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2 SOUTHCENTRAL
3 FEDERAL SUBSISTENCE REGIONAL
4 ADVISORY COUNCIL
5
6 Taken at:
7 Hawthorn Suites Hotel
8 Anchorage, Alaska
9
10 October 1, 2001
11 ATTENDANCE
12 Council Members Present:
13 Ralph Lohse, Chair
14 Fred Elvsass
15 Roy S. Ewan
16 Fred John
17 Clare Swan
18 Coordinator:
19 Ann Wilkinson
20
21 Others Present:
22 Tom Boyd, US FWS; Tim Jennings, US FWS; Carl
23 Jack, BIA/US FWS; Pat Petrivelli, US FWS;
24 Bill Knauer, US FWS; Richard Uberuaga, US
25 FWS; Pete Probasco, US FWS; Ida Hildebrand,
26 BIA; Helga Eakon, OSM; Michelle Chivers,
27 OSM; Eric Veach, Wrangell-St. Elias National
28 Park; Larry Buklis, OSM; Ken Holbrook,
29 Chugach National Forest; Lonita M. Lohse,
30 Chitina Native Corporation; Dave Nelson,
31 NPS; Sandy Rabinowitch, NPS; Charles
32 Swanton, ADF&G; Larry Boyle, ADF&G; Janet
33 Cohen, NPS; Devi Sharp, NPS; Mason Reid,
34 NPS; Chris Dippel, US FWS; Connie Friend,
35 Tetlin NWR; Arvid Hogstrom, WRST; Gloria
36 Stickwan, CRNA; Betty Goodlataw, Tazlina;
37 Sue Aspelund, CDFU; Molly McCormick,
38 Wrangell-St. Elias National Park; Sandy
39 Scotton, NPS; Rob Spangler, USFS; Lin
40 Perry-Plake, ADF&G; Jane Nicholas, Cantwell;
41 Bruce Cain, Native Village of Eyak; Michael
42 Link, LGL; Dan LaPlant, OSM; Jim Hall, Kenai
43 NWR; Doug McBride, OSM; Ray Neeley, Ahtna;
44 Milo Burcham, USFS; Bob Gerhard, NPS; Mary

1 McBurney, NPS; Rod Simmons, FWS; Sherry
2 Wright, ADF&G; Wilson Justin, Mt. Sanford
3 Tribal Consortium; Joseph Hart, Ahtna; Gary
4 Sonnevil, US FWS; Sabrina Fernandez,
5 Attorney General's Office; Barry Mayala,
6 USDA; Martin Myers, USFS; Thomas Hicks,
7 Chistochina; Greg Bos, FWS; Linda Tyone,
8 CRNA; Virginia Gene, CRNA; Donald Mike, OSM;
9 Judy Gottlieb, NPS; Tim Joyce, USFS; Bob
10 Hench, Eyak; Ken Thompson, USFS; Taylor
11 Brelsford, BLM; Bill Simeone, ADF&G; Richard
12 Davis, OSM; Robert Lohse, Lower Tonsina;
13 Gary Stervig, Chickaloon Village; Jeffrey
14 Bryden, USFS; Jeff Denton, BLM; Hollis
15 Twitchell, Denali National Park; Steve
16 Klein, FWS; Jessica Cochran, APRN; Jeff
17 Denton, BLM; Matt Evenson, ADF&G; Jerry
18 Berg, US FWS; Patty Brown-Schwalenberg,
19 Chugach Regional Resources Commission; Pete
20 DiMatteo, US FWS; Delice Calcote, Cook Inlet
21 Marine Mammal Council; Beth Haley, LGL; Fred
22 Bahr; Charlie Edwardsen.

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1 PROCEEDINGS

2 MR. LOHSE: Good morning. I'd
like to call the fall meeting of
3 Southcentral Subsistence Regional Advisory
Council to order. At this point we'll have
4 roll call.

5 MS. WILKINSON: Thank you,
Mr. Chairman.
6 Gilbert Dementi called and said
that he would not be able to attend.
7 Ken Vlasoff is absent.
Fred Elvsass?

8 MR. ELVSASS: Here.

9 MS. WILKINSON: Roy Ewan, absent.
10 Clare Swan?

11 MS. SWAN: Here.

12 MS. WILKINS: Fred John?

13 MR. JOHN: Here.

14 MS. WILKINSON: Ralph Lohse?

15 MR. LOHSE: Here.

16 MS. WILKINSON: Mr. Chairman, we
do have a quorum.

17 MR. LOHSE: Thank you, Ann.
18 At this point, we'd like to do
what we usually do is go through the room
19 and let everybody introduce themselves.

We have a few announcements
20 first. Make sure if you haven't been here,
that you sign up each morning and sign up
21 after lunch when you come in.

Monday night, that's tonight, we
22 need to completely empty this place by 5:30,
so we're going to adjourn at 5:00 o'clock,
23 and you need to take everything that you
have here tonight, so we'll -- our court
24 reporter would like you to speak clearly.
She said slowly too, but she was joking on
25 that. But speak plainly and clearly so that
she can hear you, and if she can't hear you,

1 she's going to ask you to repeat what you
said. So, we'll let it go at that.

2 With that, we're going to go
right down the line and introduce ourselves.

3 What I'd like to do is start in the front
row, and work our way down one side and work
4 our way forward on the other and have
everybody introduce themselves.

5

6 MR. JOHN: Fred John, Jr., from
Mentasta Lake.

7 MR. ELVSASS: I'm Fred Elvsass,
from Seldovia.

8

9 MR. LOHSE: I'm Ralph Lohse from
Chitina.

10 MS. SWAN: Clare Swan, Kenai.

11 MS. WILKINSON: Ann Wilkinson,
I'm regional coordinator.

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13 MR. NEELEY: Ray Neeley, Copper
River.

14 MR. KNAUER: Bill Knauer, OSM.

15 MR. LAPLANT: Dan LaPlant, OSM.

16 MS. SCOTTON: Sandy Scotton,
National Parks Service, fisheries biology.

17

18 MS. PETRIVELLI: Pat Petrivelli,
anthropologist, office of subsistence.

19 MS. ASPELUND: Sue Aspelund,
Cordova.

20

21 MR. CAIN: Bruce Cain, staff at
the Native Village of Eyak.

22 MR. LINK: Michael Link. I'm a
biologist with LGL, contractor.

23

24 MR. McBRIDE: Doug McBride, OSM,
Fishery Informations Systems.

25 MS. SHARP: Devi Sharp, chief of
natural culture, Wrangell-St. Elias.

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2 MR. HALL: Jim Hall, Kenai
National Wildlife Refuge.

3 MR. RABINOWITCH: Sandy
4 Rabinowitch, National Parks Service.

5 MR. ROBERT LOHSE: Robert Lohse,
6 Lower Tonsina, Alaska.

7 MS. LOHSE: Lonita Lohse, Chitina
Native Corporation, Chitina.

8 MR. GERHARD: Bob Gerhard,
National Parks Service, Anchorage.

9 MS. DEWHURST: Donna Dewhurst,
10 Wildlife Biologist, subsistence.

11 MS. EAKON: Helga Eakon, Office
of Subsistence Management.

12 MS. CHIVERS: Michelle Chivers,
13 Subsistence.

14 MR. HOLBROOK: Ken Holbrook,
Chugach National Forest.

15 MR. HOGSTROM: Arvid Hogstrom,
16 Wrangell-St. Elias.

17 MS. COHEN: Janet Cohen,
anthropologist, National Parks Service,
18 Anchorage.

19 MR. NELSON: Dave Nelson,
fisheries biologist, National Parks Service.

20 MR. PROBASCO: Pete Probasco,
21 office of subsistence management, state
liaison.

22 MR. DIPPEL: Chris Dippel, Fish &
Wildlife Service.

23 MS. FRIEND: Connie Friend,
24 Tetlin National Wildlife Refuge --

25 MS. HILDEBRAND: Ida Hildebrand,
BIA.

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2 MR. BURCHAM: Milo Burcham,
3 subsistence biologist for the Forest Service
4 in Cordova.

5 MR. BOYLE: Larry Boyle, Alaska
6 Department of Fish & Game, Fairbanks.

7 MR. BUKLIS: Larry Buklis,
8 fisheries biologist with Office of
9 Subsistence Management; and I assist the
10 Southcentral team.

11 MR. SWANTON: Charlie Swanton
12 with Alaska Department of Fish & Game in
13 Fairbanks.

14 MS. PERRY-PLAKE: Lin
15 Perry-Plake, Alaska Department of Fish &
16 Game.

17 MR. JENNINGS: Good morning, I'm
18 Tim Jennings. I'm with the Office of
19 Subsistence Management, division chief.

20 MR. BOYD: Tom Boyd, Office of
21 Subsistence Management.

22 MR. LOHSE: Thank you.
23 With that, we're going to go and
24 review and adopt the agenda.
25 Has everybody had a chance to
look at the agenda? Does anybody have any
additions, changes, or orders they'd like to
see changed on it? Council members?
Anybody in the audience have
something --

26 A SPEAKER: Mr. Chairman, I'd
27 like to add Alaska Department of Forest
28 Service under 5.

29 MR. LOHSE: Report by Forest
30 Service, No. 5. Under agency reports,
31 right?
32 We actually have business after
33 you, so we'll make sure and get to you.
34 Okay. Then we need to have a
35 motion to adopt the minutes of the spring
meeting.

1 Do I have a motion?

2 MS. SWAN: So moved.

3 MR. LOHSE: It's been moved by
4 Clare.
5 Do I hear a second?

6 MR. ELVSASS: Second.

7 MR. LOHSE: Moved and seconded to
8 adopt the minutes of the spring meeting.

9 MS. WILKINSON: We have to adopt
10 the agenda.

11 MR. LOHSE: We have to adopt the
12 agenda, my fault.
13 Let's leave that on the table and
14 go back and we'll need a motion at this
15 point in time to adopt the agenda.

16 MS. SWAN: That's what I meant.

17 MR. LOHSE: That's what I meant.

18 MR. ELVSASS: That's where we
19 were.

20 MR. LOHSE: You guys were better
21 than I was.
22 We have a motion on the table to
23 adopt the agenda.
24 Any other discussion?
25 All in favor, signify by saying
"aye."

26 COUNCIL MEMBERS: Aye.

27 MR. LOHSE: All opposed, signify
28 by saying "nay."
29 Motion carries.
30 Now, we need a motion to adopt
31 the minutes of the spring meeting.
32 Do I hear such a motion?

33 MR. ELVSASS: I'll move to adopt
34 the minutes.

35 MS. SWAN: Seconded.

1 MR. LOHSE: It's been moved to
2 adopt the minutes of the spring meeting; and
I hear a second from Clare.

3 Okay. Discussion?
4 Anything that you see that needs
changed or modified?

5 If there's nothing that needs to
be changed or modified, question is in
order.

6 MR. JOHN: So moved.

7 MR. LOHSE: Question has been
8 called.

9 All in favor of adopting the
minutes of the spring meeting, signify by
saying "aye."

10 COUNCIL MEMBERS: Aye.

11 MR. LOHSE: All opposed, signify
12 by saying "nay."

13 At this point in time, we'll hear
the Chair's report.

14 The Chair hasn't got a lot to
report. When we had our spring meeting with
the Federal Subsistence -- other Councils
15 and Regional Board, one of the things I
brought up was what we could do as a Chair
16 to solicit information or opinions from the
residents of the Council, and I'd just like
17 to share what was given to me at that
meeting. It's basically the Chairs by
18 telephone -- Council members, shared
information with a third party, but they
19 can't come to an opinion on it. We can't
reach a consensus on the telephone, what we
20 can do is we can ask questions but we can't
look for recommendations or advice.

21 When we haven't had a meeting,
that's something that the chair that
22 attends, he can offer an opinion as an
individual Council member, but he can't
23 speak for the Council, and that's something
that makes it a little bit hard when we're
24 all spread out all over the place.
Basically, the only thing that comes out as
25 a movement of the Council is something that
we met with at a meeting with proper notice.

1 Everything else is just an opinion.

2 As Council members, we can't
3 speak for the Council, we can just speak for
4 ourselves.

5 We also discussed -- got started
6 on the customary trade. We've had some
7 meetings this summer. We're going to go
8 over that a little bit later on, we've got a
9 lot of discussions on the topic, we have a
10 rough draft in here that we're going to look
11 at.

12 We have a briefing on the process
13 on method -- on getting the contract out for
14 methodology, on how to determine what's
15 rural and not rural.

16 We asked for more training for
17 Council -- Regional Councils on fisheries.

18 We're going to have Regional
19 Council representatives to the Board
20 meetings. It's going to be the same as
21 we've had before, Dan O'Hara, Willie
22 Goodman, Ron Sam as an alternate.

23 And that's pretty much what we
24 did. Mostly, we had a lot of good
25 discussions amongst ourselves as Chairs, and
it was a very -- very informative. It was
good to get together that way. I hope the
next Chairman enjoys it as much as I do.

With that, we'll go on to Tab C
in your book, if you want.

And we'll go to the Federal
Subsistence Board meeting, minutes. If you
take a look at Tab C, it's talking about
proposals that we had on Federal subsistence
meeting. You can look in Tab C on the first
one, and you can see the action that was
taken.

Our annual report and our letter
is in here. The answer that we got to it is
in here.

I don't really think I need to
read these things unless somebody would like
me to. They're in here in writing. You can
look at them in the folder itself.

Does anybody in the Council have
any questions for me?

I'll ask the same of the
audience.

With that, I'll just refer you to
Tab C in your book. And that will take care

1 of most of the rest of what was in the
Chairman's report.

2 At this point, we're going to
have public testimony. There's public
3 testimony opportunity all through this
meeting. We'd like you to fill out one of
4 the forms, and if there's a specific
proposal that you'd like to talk to, you
5 don't have to speak at this time, you can
put on your form that you'd like to speak to
6 a specific proposal, that will allow you to
speak at that time.

7 Do we have anybody signed up for
public testimony at this time?

8 No, no public testimony at this
time. That opportunity exists all through
9 the meeting and it exists on any proposals
that are going to come up.

10 With that, we're going to
fisheries proposals for Federal Subsistence
11 Board, Tab D. We're going to go through it.
I'm going to try at this time to stick to
12 the order that we're supposed to. We're
going to have an introduction. We're going
13 to have Alaska Fish & Game comments on it,
other comments on it, Alaska fishery
14 comments, summary of public comments, public
comments, then we'll deliberate on it.

15 With that, we're going to go to
Tab D, and we're going to be looking at
16 specific proposals.

We're going to start with
17 fisheries Proposals 02.

I have to find out who is going
18 to give the introduction on that.
Larry?

19
20 MS. WILKINSON: Mr. Chairman,
that one was withdrawn.

21 MR. LOHSE: Proposal 11(a),
proposal 11(a), okay.

22 We're on page 1, bottom of page
1.

23 Tom is going to speak to us on
the general level, and then we'll have
24 specific introduction by Pat.

25 MR. BOYD: Mr. Chair, members of
the Southcentral Council, again, my name is

1 Tom Boyd and I'm the assistant regional
2 director for subsistence management with the
3 Office of Subsistence Management, U.S. Fish
& Wildlife Service.

4 I think you have before you today
5 proposals which will address subsistence
6 regulations for the Cook Inlet area and
7 specifically for the Kenai Peninsula. Three
8 of these will address the Kenai Peninsula.
9 These proposals request customary and
10 traditional use determinations for the
11 residents for the outlying rural communities
12 of this area.

13 I also request seasons harvest
14 limits and methods for certain fish,
15 principally salmon and trout.

16 As you said, Mr. Chair, that both
17 Pat Petrivelli and Larry Buklis will follow
18 me with a presentation of these proposals
19 which will include the staff
20 recommendations.

21 The staff recommendations that
22 you'll hear and that are before you in the
23 books, are fairly conservative approaches.
24 For example, the staff recommendations for
25 the seasons, harvest limits, and methods
would have -- would establish subsistence
seasons that are the same as sport fish
seasons and methods.

I provided you a briefing paper
that you have -- should have been handed out
to you, of what we are thinking right now,
of what we are proposing, and the rationale
for these proposals.

Essentially, what we are
proposing is a go-slow approach to fully
develop acceptable fishing regulations for
the Kenai Peninsula and the Cook Inlet area.
This approach would establish conservative
regulations as a starting place and then
following additional data-gathering and
collaboration with affected interests on the
Kenai Peninsula, additional regulations
could follow.

The reasons for this approach, I
think, are threefold: First, the
controversial nature of establishing
subsistence fishing regulations in this
area. I think that sort of goes without
saying. We've just finished a couple of

1 years where we've dealt with the rural issue
and that was a quite controversial issue.

2 Two, the fact that these
fisheries are already heavily used. I think
3 it requires us to be deliberative and
thoughtful as we go about this process.

4 And three, the lack of
information on subsistence needs and
5 practices because subsistence uses have been
prohibited by regulations on the Kenai
6 Peninsula since 1952, almost 50 years.

So let me just very clearly, if I
7 can, state what the goal is here. The goal
is to establish new harvest regulations,
8 subsistence harvest regulations for key
species and these would be salmon, Dolly
9 Varden, trout, grayling, char, burbot for
subsistence purposes in the Cook Inlet area.

10 Our staff recommendations would
start us down this path. For next season,
11 conservative harvest regulations can be
established as well as some customary and
12 traditional use determinations.

I should probably add at this
13 point that even if these customary and
traditional determinations were deferred,
14 the conservative harvest regulations could
still be established, and that's because the
15 absence -- in the absence of C and T
determinations, the Federal subsistence
16 regulations state that all rural residents
that's statewide rural residents are
17 eligible.

The proposed harvest regulations
18 which would be similar to what we're
proposing today -- I've said this earlier --
19 the proposed harvest regulations would be
similar to sport fish regulations are
20 intended to be a first step in a lengthier
process that would lead to more specific
21 harvest regulations at a later date. How do
we get there? What are the next steps?

22 To get to these more specific and
appropriate harvest regulations we are
23 proposing to you a longer term process for
gathering the needed regulations for three
24 things, community and household surveys,
community meetings and roundtable
25 discussions with the affected interests on
the Kenai Peninsula. We haven't fleshed

1 out. We're going to get there, those are
the basic components.

2 Following the gathering of
information, through surveys, then more
3 appropriate harvest subsist -- subsistence
harvest regulations could be developed and
4 presented to you for recommendation to the
Board.

5 Now, the surveys that I speak to
would be focused on gathering information to
6 determine subsistence needs for fish stocks
that would be harvested specific to the
7 Federal waters in this area. And as we all
know, that's not all of the waters in this
8 area, that's specific to those waters that
are within the exterior boundaries of say
9 the Kenai National Wildlife Refuge or some
of the other Federal lands in the area.

10 This information could be analyzed and used
as a basis for community meetings, then, and
11 roundtable discussions and then the basis
for developing the proposed regulations
12 hopefully will be more acceptable from where
we start from. This is still a concept and
13 we've got to flesh out this plan for how to
get there. We wanted to present this to
14 you, so you would have our thinking as you
go into these proposals.

15 How long would this take? We
think this could take as long as from two to
16 four years. Obviously, it would take some
time to do these kinds of surveys, but it's
17 possible that some regulations could be
developed in the interim as the process
18 moves forward and information is gathered.

We felt it was important to
19 present this overview of a longer-term
process as you deal with these proposals.
20 There's four of them which you'd be dealing
with right now, now I'll pause and see if
21 there are any questions before I turn this
over to Larry to make their staff
22 recommendations on the specific proposals.

23 MR. LOHSE: Anybody have any
questions?

24 MR. ELVSASS: Are you talking
25 about only the Kenai Fjords area?

1 MR. BOYD: No. I'm speaking to
2 the proposal dealing -- we're dealing with a
3 much larger area.

4 MR. ELVSASS: I thought you said
5 you were going to start with the Federal
6 waters adjacent to the Kenai Fjords. Maybe
7 I misunderstood you.

8 MR. BOYD: I may have spoken too
9 quickly. It would be all Federal --

10 MR. ELVSASS: Which waters are
11 you talking about?

12 MR. BOYD: It would be all
13 Federal waters in the Cook Inlet areas. And
14 these would include waters within Kenai
15 National Wildlife Refuge, for example,
16 that's what I said, and there are other
17 Federal waters as well; but, principally,
18 those are the waters that we're talking
19 about. There's also a proposal dealing with
20 some very small areas around Tuxedni Bay --
21 you'll hear these in the proposals when the
22 specific information comes before you. The
23 example I used earlier was the refuge, Kenai
24 National Wildlife Refuge.

25 MR. LOHSE: Tom, even these
26 conservative bag limits, seasons that are
27 the same as the sport fishing regulations,
28 where these would apply from a subsistence
29 standpoint would be as if there was a
30 shortage, then in those areas, 804
31 situation, then those conservative bag
32 limits would apply to subsistence users and
33 not to general public in 804, wouldn't it?

34 MR. BOYD: I think generally,
35 you're correct, Mr. Chair. Obviously, sport
36 fish regulations aren't the same in most
37 cases as subsistence regulations, but we're
38 looking at a starting place here. A place
39 to establish regulations where there haven't
40 been subsistence regulations, and this would
41 be the least disruptive starting place in
42 the absence of information in which to
43 expand those regulations.

44 But I think you're absolutely

1 right. If there were a shortage, obviously,
2 the rural subsistence users would have
3 priority over other users, and it's possible
4 that Section 804 could be applied and those
5 users would have -- would be the last to be
6 restricted.

7 MR. LOHSE: That's what I see it
8 as basically, it basically doesn't change
9 anything because everybody is qualified
10 under the sport regulations now, but should
11 there be a shortage on Federal waters at
12 that point in time, if 804 was brought into
13 play, then underneath the same regulations
14 that everybody's using right now, only the
15 subsistence users would be using it?

16 MR. BOYD: That's our thinking at
17 this point, yes.

18 MR. LOHSE: Any other questions
19 of Tom?

20 Thank you, Tom.
21 Pat?

22 MS. PETRIVELLI: Hello, Mr.
23 Chairman, and members of the Council, my
24 name is Pat Petrivelli, and I'm an
25 anthropologist with the office of
26 subsistence management and a member of the
27 Southcentral team.

28 I'm doing Part A of the Proposals
29 11, 12, 13, and 14. These proposals -- two
30 were submitted last year and an analysis was
31 presented about those -- the salmon portion
32 of those -- the species requested, and then
33 the other species requested were deferred
34 until this year. And then we looked at the
35 four proposals and divided it into two
36 sections, an A and a B portion. The A
37 portion dealing with the C and T analysis,
38 which I will be presenting; and the B
39 portion is methods and limits, and Larry
40 Buklis will be presenting that question
41 later.

42 Proposals 11(a) -- Proposal 11
43 was submitted by the Ninilchik Traditional
44 Council. Proposal 12 was by Henry Kroll, at
45 Tuxedni Bay. Proposal 13 was submitted
46 by Steve Vanek and 14 was by Al Chong. That

1 was combined last year because the broadest
2 use was for all residents of the Kenai
3 Peninsula District, and Steven Vanek and
4 Fred Bahr's requests were included in that
5 umbrella.

6 With the requests right now,
7 we're dealing with just the salmon and the
8 other fish requested, and the other fish
9 species requested were the Dolly Varden,
10 trout, char, grayling, and burbot.

11 The reasons for the deferrals
12 last year was because of the rural
13 determination. On page 10, it has the
14 current rural areas of the Kenai Peninsula,
15 and when the analysis was done last year,
16 there were 29 communities involved, and now
17 we're down to the communities listed on page
18 18, and there's 18 to 19 community areas
19 listed on that table.

20 And what those communities listed
21 are all the -- in these census-designated
22 places, this is the only places you'll see
23 those referred to, but that's just for the
24 purpose of knowing the population numbers of
25 the areas involved because there's areas
26 like Beluga CDP, Sunrise, Happy Valley,
27 Fritz Creek, Fox River, those are designated
28 areas which the census uses to count people
29 and they're not recognized municipal
30 boundaries and the boundaries change every
31 ten years. So, for purposes of comparison,
32 they're only good for -- the purpose of ten
33 years, but what they do do is give us an
34 indication of the population of the rural
35 areas on the Kenai Peninsula.

36 If you went in looking at the
37 characteristics of the areas, that accounts
38 for all the rural area populations, about 5-
39 to 600 other residents and what those are
40 are just gathered throughout the Kenai
41 Peninsula area and different areas,
42 because -- for instance a few residents of
43 Tuxedni Bay aren't included in this table
44 because there's no place that tracks those
45 residents.

46 But the permanent residents of
47 Tuxedni Bay is just one family. But there
48 are pockets of people living throughout the
49 Kenai Peninsula that are included in this
50 area and that's about 5- to 600 people.

1 So, those are the communities
involved in this proposal.

2 The Federal lands in the proposal
are listed on page -- the map shows them on
3 page 12, and the Federal lands are the Kenai
National Wildlife Refuge, the Lake Clark
4 National Park on the left side of Cook
Inlet, the Chugach National Forest.

5 And the areas include the waters
within those -- within the boundaries of
6 there. And then there's one other area on
page 14, and that's Tuxedni Bay, and their
7 special jurisdiction, that's the Alaska
Maritime Wildlife Refuge which is Chisik
8 Island, and then there's jurisdiction that's
not freshwater, and that's the only area in
9 the Cook Inlet area where we have
jurisdiction that's not freshwater.

10 And so that's a certain area
around Chisik Island and then a portion of
11 the Tuxedni Bay falls under the jurisdiction
of the Parks Service. So, the Chisik Island
12 jurisdiction is Fish & Wildlife Service, and
the Parks Service is for the portions to the
13 west of Tuxedni Bay.

 This proposal just deals with
14 salmon and the freshwater species, and we've
deferred an analysis of shellfish in those
15 areas. We're doing an analysis of that next
year.

16 So, in looking at the use of the
communities listed, I use mainly Fish & Game
17 studies, and then the Fish & Game studies --
oh -- customary and traditional use
18 determinations for the area is fish other
than salmon, Dolly Varden, trout, char,
19 grayling, and burbot. The residents of the
Cook Inlet area have a C and T
20 determination, and for shellfish there is no
subsistence determination. What the
21 question is we're asking for is for the
species of salmon, trout, Dolly Varden
22 grayling, and burbot. They have different
groups of people, but essentially it did
23 cover all the communities involving all the
rural residents in the Cook Inlet area which
24 were listed.

 So, in looking at the uses of
25 those species by those people, there's
various Fish & Game studies for almost all

1 of the communities listed except for --
 well, the household studies listed on page
 2 19, and -- in 1998, Fish & Game did a recent
 study of the Ninilchik rural area and the
 3 Homer rural areas, and they looked at the
 uses by Ninilchik/Happy Valley area,
 4 Nikolaevsk, Fritz Creek East, East End Road,
 in Voznesenka. They attempted to look at
 5 the Fox River CDP, which is at the head of
 Kachemak Bay. There's two Russian old
 6 believer communities there, Razdolna and
 Kachemak Selo. And they weren't able to
 7 survey those areas, but in talking with
 those communities, those communities are
 8 very similar to Nikolaevsk and Voznesenka,
 and so their use practices -- and so just
 9 the way they use resources and their
 practices -- we'll just assume that the data
 10 could be applied to residents of Nikolaevsk
 and Voznesenka.

11 The studies after that in 1993,
 Seldovia was studied, Nanwalek and Port
 12 Graham has been studied as recently as 1997.
 The other group of studies was Hope and
 13 Cooper Landing in 1990. And then the
 community that was studied furthest back was
 14 Tyonek in 1983. So some data is not quite
 comparable because it was earlier in the
 15 program. It has most of the areas that was
 needed. There was household use of these
 16 species for most of the rural areas involved
 in this request.

17 And then looking at the two
 areas, it was broken into -- because of the
 18 use practices, with salmon and then
 freshwater fish, the uses of the freshwater
 19 fish were just kind of grouped together
 because they're all freshwater species and
 20 the patterns are fairly similar, so the
 discussion is all of salmon and then the
 21 other fish.

In these areas, 86 to 100 percent
 22 of the communities harvested subsistence
 foods, and then salmon made up 26 to 72
 23 percent of the per capita pounds used
 annually in these households. Non-salmon
 24 fish made up 30 percent of the per capita
 pounds used by these communities.

25 And for the actual -- and then
 the Cook Inlet area, non-salmon species

1 includes halibut and cod for the actual --
 2 for the other freshwater fish species for
 3 the request, the range of use of per capita
 4 pounds of the other freshwater species was
 5 from a half of one percent to 8 percent of
 6 the per capita pounds per household in these
 7 communities.

8 For the -- of the long-term use
 9 of salmon, historic use is documented in
 10 archeological sites at the Russian and then
 11 evidence of freshwater fish is also there,
 12 and descriptions within the past -- historic
 13 descriptions document that people do use
 14 fish on the Kenai Peninsula and on the west
 15 side of Cook Inlet also.

16 The contemporary use of salmon
 17 has been documented in a number of studies.
 18 Like Tom Boyd had mentioned, freshwater fish
 19 or the use of freshwater fish has been
 20 regulated out of -- subsistence use of
 21 fresh -- in freshwater stream has been
 22 prohibited since 1952. What that meant for
 23 subsistence users of salmon is that they
 24 were moved to marine water areas, so since
 25 1952, subsistence use of salmon has been in
 marine waters under subsistence regulations.

Under personal use regulations,
 various fisheries have been allowed since
 later in the use of -- on page 16, shows a
 table of the salmon stocks in the Cook Inlet
 Area and what fisheries are permitted now.
 Fish & Game recognizes subsistence fisheries
 in Tyonek and at Port Graham, Nanwalek, and
 Seldovia Bay. Those are all marine water
 fisheries, and for personal fisheries, they
 allow in Kenai Creek. They allow dipnet
 fisheries, and then at China Poot there's a
 dipnet fishery there, and there's a gill net
 fishery in Kachemak Bay. So these are all
 personal use fisheries provided for by Fish
 & Game.

For the other freshwater fish
 species, the use has occurred under sport
 fish regulations and so -- but in -- those
 are very complicated and complex, but the
 needs are generally pole fishing and some
 hook and line. In the Cook Inlet area, the
 one gill net fishery allowed is on the
 Tyonek River, much farther away from this
 area.

1 The seasons that people use the
 2 fish are generally for salmon when they
 3 occur in the runs, when they essentially
 4 occur. And for freshwater fish, the use
 5 that occurs is people -- there's some use of
 6 freshwater fish throughout the year
 7 depending upon the location. Generally, the
 8 use of the freshwater species are they use
 9 them where they occur and the species that
 10 occur most frequently in this area are Dolly
 11 Varden, Grayling, and trout. The burbot and
 12 char, lake trout are sporadic, occur in
 13 sporadic areas throughout the area.

14 But there's a table on page 23
 15 that shows the per capita pounds use of the
 16 species and then also the percentage of
 17 household use.

18 The areas that they use them,
 19 Ninilchik, there's not a lot of data
 20 relating to where people use it for one --
 21 there are permits for salmon; but, of
 22 course, that would all be in marine water
 23 use, and so far as it occurring on
 24 Federal -- in Federal areas, it wouldn't
 25 show it, but there was a study done by the
 26 Ninilchik Traditional Council in 1994 where
 27 they requested the lifetime use of
 28 individuals and the maps from those studies
 29 are on page 25 and 26 for salmon and
 30 non-salmon fish species and it showed that
 31 they used salmon throughout the whole Kenai
 32 Peninsula and then on the west side also.

33 And then there's been other data
 34 presented in the recent studies done by Fish
 35 & Game. They surveyed people and there was
 36 very little use on Federal public lands for
 37 salmon; and, of course, that's mainly where
 38 people got their salmon in that study area
 39 was a lot of commercial retention and then
 40 the personal use fisheries at the mouth of
 41 the Kenai and Kasilof, which are all state
 42 lands.

43 There's been a study on the west
 44 side of Cook Inlet that people used at
 45 Tuxedni Bay and people on the Chisik Islands
 46 from the Kenai Peninsula area, and of course
 47 testimony was presented about the residents
 48 of Seldovia going across to the west side.
 49 And this use area shows the pattern was of
 50 the multiple use nature of subsistence

1 practices when you combine various
 2 activities like hunting, fishing, and
 3 berry-picking; and so in the Tuxedni Bay
 4 area with moose hunting and silver salmon
 5 fishing and berry-picking and in the
 6 regional, Kachemak, when I called to
 7 request, they acknowledged that they go up
 8 north in the 15(a) area for moose hunting
 9 and berry-picking, and then it's just the
 10 other practices of fishing while hunting is
 11 a general practice, and that's documented in
 12 the Tyonek studies of their practices. It's
 13 documented under uses of resources of just
 14 the multi use, and that's the general
 15 freshwater fish pattern is just either for
 16 fish in your local areas or fishing and
 17 combining it with hunting and other
 18 practices.

19 And the other factors relating to
 20 customary and traditional use, there's the
 21 factor of preparing and storing the fish and
 22 pretty much the areas described are -- the
 23 areas described is the normal methods of
 24 smoking, drying, and freezing and eating
 25 fresh, and it has been documented that
 people do pass on the knowledge of fishing.
 Of course, for the different communities
 it's done a different way. In each of these
 areas, these communities, traditional use is
 based in different ways. For Tyonek and
 Ninilchik, it's based on the Athabaskan use,
 and then Seldovia has some hints of Dena'ina
 use and mainly Aleutic for Seldovia and
 Nanwalek and Port Graham. Of course,
 Ninilchik is kind of on the border. In the
 Russian old believer communities, the first
 old believer community was established --
 they have the first time they owned land was
 in 1967, and a number of communities have
 grown up since then. And then, of course,
 the other areas are in the rural areas have
 patterns of the homesteaders and settlers of
 dependence upon the resource. With the old
 believer communities, what the 1998 study
 shows is a high percentage of commercial
 retention of fish and that's how they're
 followed in the traditional communities with
 the high retention and sharing and high use
 of resources.

The table on page 29 shows the

1 level of sharing of resources, and then on
2 the very next page, on page 30, shows the
3 diversity of uses.

4 But there is sharing in all the
5 communities of these resources and then for
6 the level of diversity of resources that
7 they depend upon, Nanwalek and Port Graham
8 has the highest diversity use and they're
9 nonroad-connected and show they have a
10 greater level, and then the road-connected
11 communities have a lower level of diverse
12 resources. Part of that has been shown in
13 other studies with road-connected
14 communities where the diversity of resources
15 use is affected by competition with other
16 users and regulatory restrictions.

17 And I guess I'm at the
18 preliminary conclusion. With the
19 preliminary conclusion, I guess it would --
20 it will make sense to look at page 12, and
21 what -- in the preliminary conclusion, the
22 broadest request was for all residents of
23 the Kenai Peninsula District or communities
24 surrounding the area to have C and T for the
25 whole area, and then the smallest request
was just to acknowledge the use in Tuxedni
Bay.

26 In my preliminary conclusion I
27 looked at two different areas, and I
28 recommended in the sport fish regulations
29 for the state and the district that also
30 they recognized, they recognize the west
31 side of the Cook Inlet and then they
32 recognize the Kenai Peninsula area, so with
33 the west side of Cook Inlet it would
34 include -- it's exactly what it is, it's a
35 drainage of the west side of Cook Inlet and
36 then the Kenai Peninsula area are those
37 drainages and those definitions are in
38 Appendix B. And what I recommended was
39 that -- to leave the fish other than for all
40 the residents of Cook Inlet area, salmon,
41 Dolly Varden, trout, char, grayling, burbot.
42 For the west side of the area to have
43 residents of Susitna -- in regulatory it's
44 called the Susitna west side Cook Inlet
45 area. For Ninilchik and Seldovia, to have C
and T uses, I could only find uses for those
uses traveling to the west side.

For the Kenai Peninsula area for

1 salmon, Dolly Varden, trout, burbot, it's
2 recognized that the residents of Halibut
3 Cove, Jakalof Bay, Grove, and Port Graham be
4 given a C and T designation for those. The
5 data for Nanwalek and Port Graham didn't
6 show that they traditionally went farther
7 north than Anchor Point, which would not
8 include Federal lands, Federal waters for
9 those species.

10 And then Halibut Cove and Jakalof
11 Bay there is no data at all for those
12 species or no data at all. Since there was
13 no data to go on, I left out those four
14 communities for having a C and T
15 determination for having a Kenai Peninsula
16 area on the assumption that they
17 traditionally got those species within the
18 Kachemak Bay area in the fisheries provided
19 for and used.

20 So, I guess that's it. If you
21 have any questions.

22 MR. LOHSE: Anybody have any
23 questions for Pat?

24 MR. ELVSASS: When you talk about
25 the Kenai Peninsula, you're talking also
about the Cook Inlet drainage, including the
west side?

MS. PETRIVELLI: In the
preliminary recommendation it is divided
into two parts, just the Kenai Peninsula
area and the west side would be separate.

MR. ELVSASS: Oh, okay. Because
you were talking about the freshwaters on
the Peninsula, you were also talking about
Kachemak Bay.

MS. PETRIVELLI: They would be
included in the west side of Cook Inlet Bay.

The uses were described for all
the areas, but the recommendation is the
residents of the west side of the Cook
Inlet, plus Ninilchik and Seldovia. Like
Tyonek, anyone living on the west side would
have a positive customary and traditional
use determination, plus Ninilchik and
Seldovia. Those are the only communities I

1 could find documentation of customary and
2 traditional use of the west area. The Kenai
3 Peninsula, that's all the communities and
4 residents, except for Halibut Cove, Jakalof
5 Bay, Nanwalek, and Port Graham. And that
6 would include all the drainages of the Kenai
7 Peninsula, with salmon, Dolly Varden, trout,
8 grayling, and burbot.

9 MR. ELVSASS: The survey -- was
10 Kenai looked at in the survey? Kenai has a
11 tremendous customary and traditional use of
12 west side fisheries for salmon.

13 MS. PETRIVELLI: Our regulations
14 only cover rural residents.

15 MR. ELVSASS: Okay.

16 MS. PETRIVELLI: And on page --
17 well, the map on page 10, all the residents
18 of the Kenai area, the Homer area, Seward
19 area are nonrural residents now, and they
20 would have to -- their practice would have
21 to go under State regulations.

22 MR. ELVSASS: Okay. Thank you.

23 MR. LOHSE: Any other questions
24 for Pat?

25 Pat, I've got a couple. I've got
a whole bunch of them on this. I've been
looking at the charts and the tables that
are in front of us, and this is a pretty
inclusive proposal. It includes salmon, and
then it includes grayling, burbot, char,
trout, regular trout, rainbow trout. When I
look at the tables, I come up with no
problem on salmon. But when I start looking
at the others, when you take a look at the
requested species and you've got communities
that are available and they have from .5
percent to a .8 percent, the only two that
have high use are Hope and Cooper Landing
which are both communities that are -- if
you take a look at other tables, they're
actual- -- they actually have some of our
higher -- they have higher uses of
nonsalmon. You throw in things like
grayling, on the surveys on the grayling,

1 there's not one community that comes up with
 2 a one-pound per use use of it, and the ones
 3 that, again, that have the highest are Hope
 4 and Cooper Landing.

5 We go to lake trout, Hope ends up
 6 with a 1.2 pounds a year use, but most of
 7 the communities have less than 1 pound a
 8 year.

9 We go to burbot, they're all down
 10 around nothing per use.

11 It's awful hard -- it's awful
 12 hard to give a C and T for something that
 13 nobody uses. The fish are available at this
 14 point in time; if people were using them,
 15 they can take them at this point in time.
 16 Under the same regulations we're proposing
 17 to propose, and currently nobody is using
 18 them.

19 So, how do you -- how do you come
 20 up with a C and T on a fish that's not even
 21 being used?

22 I mean, like Tyonek, no use of
 23 burbot, char, gray trout, no use of
 24 grayling. .01, 100 100ths of a pound a year.

25 Dolly Vardens are no question. Almost every
 community uses dollies.

A few communities use trout, and
 there's -- nothing has closed. These have
 been available for use. There's no
 subsistence use on them. But a lot of the
 foods that we have listed in our tables of
 community use were taken under
 nonsubsistence regulations. We still class
 it as use.

How do we deal with that? I
 mean, the percentage of household use, zero,
 zero.

How can we include a species that
 nobody uses as part of C and T?

MS. PETRIVELLI: I think it's the
 idea of a pattern of use, and subsistence
 practices. It could be a policy -- it's up
 to the Council to provide direction, but
 part of it is working for one -- when you
 depend upon data, we're looking at surveys
 that were done for a year. You know, the
 year when the survey was completed.

Now, when there's subsistence
 practices, when people are hunting and doing

1 a pattern of opportunistic hunting, it's not
going to reflect -- it won't reflect a
2 constant level of use. And these species
are regulated sporadically throughout the
3 area, but if the Council would like to
change their recommendation, they could do
4 that. There was discussion of this
recommendation and it was decided to rather
5 than piecemeal the subsistence use of these
resources to acknowledge the opportunistic
6 nature of subsistence, and allow just the
blanket C and T determination. Because
7 those patterns would be -- those species
would be used when the people are there.
8 So, those areas -- those species occur in
just specific detailed areas of the Kenai
9 Peninsula, whether people -- it's not often
that they travel, if they had the
10 opportunity to travel there.

11 MR. ELVSASS: I just wanted to
say that in the Seldovia area, the lower
12 southern Kenai Peninsula, there are no
grayling, so there is no use.

13 If they were to get grayling,
they'd have to go north, but historically,
14 there's no grayling.

And I think also a lot of this
15 usage is if somebody's targeting a fish like
salmon, and they fish it during the salmon
16 season, that's fine. When there are no
salmon, they go after anything else. They
17 probably, I suspect don't think that it's
worth noting. It's low usage of Inshore
18 Habitats, but on the other hand, I'm sure
it's got to be more than .5.

19
20 MR. LOHSE: That's what I'm
after. We're going to make a decision on
this. We need to have some basis for why
21 we're making the decision.

Clare, you live down there.

22
23 MS. SWAN: Well, I was wondering
about the grayling myself and how this
figures into this table. As long as you are
24 gathering all this stuff in order to make a
determination, I'm wondering why that's
25 included.

1 MR. ELVSASS: Must be in the Hope
2 area.

3 MR. LOHSE: The two that were
4 really -- that I couldn't hardly -- they're
5 not even basically on the chart, grayling
6 and burbot. I was just going to ask you as
7 Kenai Peninsula, do people use grayling and
8 burbot?

9 MS. SWAN: I use burbot, I get it
10 at Carr's.

11 MR. ELVSASS: That's my usage.
12 They're all by-catch. They're not something
13 I go out for.

14 MS. SWAN: Mr. Chairman, the very
15 nature of subsistence is going after
16 whatever it is you want to eat, and I don't
17 think on the Kenai Peninsula that I would
18 spend a great deal of time looking for
19 grayling or burbot, if that feeds into the
20 definitions here.

21 MR. LOHSE: I was just wondering,
22 when it came to customary and traditional
23 use, it's hard to give customary and
24 traditional use for something that's not
25 there. That's where I was having a
26 difficulty.

27 It looked to me like if it was at
28 this level, it's either not there or it's
29 very rare. How do you say somebody uses it
30 if it's not there?
31 Ida?

32 MS. HILDEBRAND: Thank you,
33 Mr. Chairman, Ida Hildebrand, BIA, staff
34 committee member. I just wanted to caution
35 the Council that lack of documentation of
36 use does not equate to nonuse of subsistence
37 use, the analysis shows that since 1952
38 subsistence use has been regulatory and
39 prohibited. Although I agree with your
40 fish, no grayling, I would just caution the
41 Council, that because of lack of
42 documentation does not mean that there is
43 not subsistence use of these species.
44 Thank you.

1

MR. LOHSE: Fred?

2

MR. ELVSASS: You got to remember also, along with what she said, we're talking about a fairly large area. There's grayling in the area, but not in all parts of the area.

5

MR. LOHSE: Other questions for Pat?

6

Should we go on to Larry?

7

MR. BUKLIS: Mr. Chairman, my name is Larry Buklis. I'm a fishery biologist with the Office of Subsistence Management.

9

I will be speaking to the B portion or the harvest regulations portion of what Pat just covered, and the staff analysis starts on page 39 of your Council book.

12

Proposals 11, 12, 13, and 14 address related aspects of harvest regulations for the Cook Inlet area.

13

Pat highlighted what is requested in each of the proposals and spoke to the C and T portion of the analysis. I'm presenting the harvest regulations portion.

15

Proposal 11(b) is the broadest of the four proposals. The staff analysis in your book Addresses 11(b) and then the related aspects of the other three proposals.

16

Current State regulations allow the take of salmon for subsistence purposes in limited marine water locations of Cook Inlet. And the State allows subsistence harvest of Dolly Varden in the freshwater systems of the Port Graham Subdistrict.

20

Subsistence fishing, as Pat described, has not been allowed for decades in the freshwater areas that are now also under Federal subsistence fisheries jurisdiction.

21

Current Federal regulations do not allow the take of salmon, Dolly Varden, trout, grayling, char, or burbot for subsistence purposes in the area. The C and T analysis recommends a positive finding for

24

25

1 all of these species.

2 The proposed regulations changes
3 in these four proposals would allow the take
4 of these species for subsistence purposes at
5 any time by qualified Federal users without
6 specific harvest limits or methods and means
7 restrictions being imposed, and that's as
8 proposed by 11(b), which is the broadest
9 proposal.

10 Salmon, Dolly Varden, and trout
11 stocks are heavily utilized by existing
12 fisheries in the area. The regulatory
13 changes proposed in 11(b) do not provide
14 sufficient harvest controls for stock
15 conservation. Although subsistence fishing
16 has not been allowed as we discussed in
17 these freshwater areas and there are only
18 limited subsistence fishing opportunities in
19 marine waters, the other subsistence
20 fisheries do provide opportunity to take
21 fish for home use. However, those other
22 fisheries, commercial, sport, and personal
23 use do not have the priority designation of
24 a subsistence fishery.

25 The analysis recommends support
with modification. And that would be to
allow the take of these species, salmon,
Dolly Varden, trout, grayling, char, and
burbot under authority of a subsistence
fishing permit. However, seasons, harvest
and possession limits and methods and means
would be the same as for the taking of these
fish under State of Alaska sport fishing
regulations.

This opens subsistence
opportunity but likely will not result in
additional overall take since users have
been able to obtain these levels of harvest
through the existing fisheries.

A State of Alaska sport fishing
license would not be required to take these
fish under these subsistence regulations.

Subsistence permits would be
required, there would be no charge for
these, but obtaining a permit would be
required in order to monitor participation
and harvest and for the purposes of
enforcement.

This is seen as warranted as an
interim step to allow limited subsistence

1 opportunity while the process that Tom Boyd
described gets underway.

2 Proposals 11(b) and 14(b) provide
3 a range in scope of potential regulatory
4 change regarding subsistence fishing, season
5 dates, harvest limits, and methods and
6 means.

7 And this range would be a range
8 within which we could conduct further
9 analysis and regulations development.

10 So, we already have proposals in
11 hand that cover a broad range of regulatory
12 proposals.

13 Adjustments to this starting
14 point for subsistence opportunity may be
15 recommended. More thorough treatment was
16 not feasible in the time we had in this
17 regulatory cycle following the June RFR
18 decision on rural selects. And the process
19 that Tom described would certainly take more
20 time than remains since June.

21 Mr. Chairman, that's a highlight
22 of the staff analysis, and I'm available for
23 questions.

24 MR. LOHSE: Any questions for
25 Larry?

MR. ELVSASS: Did I hear you say,
excuse me, the -- currently the subsistence
take is done under sport regs? Did you say
that?

MR. BUKLIS: No, I don't believe
I said that.

MR. ELVSASS: Commercial?

MR. BUKLIS: Did I repeat what
Pat mentioned that currently subsistence
fishing is not allowed in the freshwater
areas that are now allowed within Federal
jurisdiction. I went on to talk about how
there is currently take under sport fishing
regulations that requires a sport fishing
license and a fee. And if this
recommendation was implemented, we would ask
people to obtain a subsistence permit so we
could track their catches, but it would be
under subsistence regulations.

1 MR. ELVSASS: Right. Thank you.

2 MR. BUKLIS: Yes.

3 MR. LOHSE: Larry, again, a
4 clarification on that subsistence permit.
That's basically -- and, again, this
5 priority only applies on Federal lands on
the Kenai Peninsula, right?

6 MR. BUKLIS: It would only apply
7 on Federal lands in the Cook Inlet area,
that's correct, Mr. Chairman.

8 MR. LOHSE: I think what you said
9 before was that the opportunity to take
these fish was there under -- currently
10 under commercial and sports fishing
regulations, but there was no subsistence
11 season?

12 MR. BUKLIS: That's correct, at
one point I did say that people can take
13 these species of fish as a commercial, sport
and/or personal use fisheries, but those
14 fisheries don't have priority use
regulations.

15 MR. LOHSE: Basically, what this
16 does is establish a priority.

17 MR. ELVSASS: Yeah.

18 MR. LOHSE: Any other questions
for Larry?

19 MR. JOHN: No.

20 MR. LOHSE: Basically, we have
21 two parts here, we have the part on the C
and T which Pat covered, and we have to
22 decide whether we take the whole thing as a
whole or as a part, and then the part on the
23 regulations which the current staff
recommendation is to be conservative and
24 stick with the regulations that are in place
while keeping a subsistence priority, if I
25 understand it correctly.

1 MR. BUKLIS: The regulations
2 which are in place for the sport fishery,
3 yes, Mr. Chairman.

4 MR. LOHSE: On Federal lands?

5 MR. BUKLIS: On Federal lands.

6 MR. LOHSE: Any other questions
7 for Larry or Pat?

8 If not, then a motion is in
9 order, and I think we should do the same
10 thing. I think we should split this into
11 two parts. We should split it into the C
12 and T part, which is the 11(a) part, and --
13 before we can discuss it, we have to put it
14 on the table. So a motion is in order to
15 put 11(a) as written or as you wish to
16 modify it on the table so that we can
17 discuss it.

18 MR. ELVSASS: Mr. Chairman, I
19 would move to adopt 11(a) as presented, we
20 can discuss --

21 MR. LOHSE: As presented, as
22 staff recommendations?

23 MR. ELVSASS: Right, as staff
24 recommendations.

25 MR. LOHSE: Do I hear a second?

 MR. JOHN: I second it.

 MR. LOHSE: Moved and seconded to
 accept SR 11(a) as the staff recommends.
 It's open for discussion.

 Fred?

 MR. ELVSASS: Well, I certainly
 agree with the customary and traditional use
 of all the fisheries even though we're in
 places like in the southern area that there
 aren't these fish. But, in turn, if they
 are in subsistence fisheries, I wouldn't
 want to deny somebody the right to harvest
 them, because they're -- because they're a
 limited area.

 And I think that's important.

1 I guess the concept of
2 exclusiveness will come up later, but
3 that -- because the survey doesn't show high
4 usage of -- or any use doesn't mean that it
5 should be excluded from customary and
6 traditional. The history of the area in the
7 state as a whole, all resources are needed
8 for subsistence purposes. And if you fish
9 for one fish and catch another, you don't --
10 you don't throw it away and waste it; you
11 use it. So, I think that the customary and
12 traditional designation fits the whole area
13 as far as we can go with it on the Federal
14 lands.

15 It's unfortunate we don't have a
16 mechanism to do the whole area that we're
17 talking about. But that will come hopefully
18 within this four-year plan.

19 Thank you.

20 MS. SWAN: Mr. Chairman?

21 MR. LOHSE: Yes.

22 MS. SWAN: I guess I'm having a
23 little trouble. I concur with everything
24 that Fred just said, but how do you -- how
25 do you get that to reflect -- herein lies
the problem. Everybody says, well,
subsistence is what, so we get down to C and
T as part of subsistence.

So, just because it isn't written
somewhere doesn't mean that you don't use it
and as you said you don't waste it because
the very nature of subsistence is just
taking what you need and if you get
something incidentally, you don't throw it
away; you use it.

So, I guess if we have to boil it
down and put it on the table, I'm having a
little -- I think that most people have -- I
don't know what they think about that,
really. Just because there's not very many
of one thing we can't say that they don't
use it. So, we're deliberating as to, well,
gee, I thought I had this all figured out
once -- thanks, I'll pass.

MR. LOHSE: I just got notice
that I was supposed to take public comment

1 before we had discussions.

2 Unless we have some other public
3 comments.

4 Oh, you're right, I jump the gun
5 all the time. I told you to remind me, Ann.

6 We're going to have to backtrack
7 for a second, because I jumped the gun
8 again.

9 MS. SWAN: Did you make a
10 mistake?

11 MR. LOHSE: This will give you
12 time to think again on it. Before we go
13 forward, we have to have the comments from
14 the Alaska Department of Fish & Game and the
15 other agencies.

16 Let's get the comments and then
17 have a break. We have a motion on the table
18 and I think the motion will stand; we'll go
19 to the Alaska Department of Fish & Game.

20 MR. SWANTON: My name is Charlie
21 Swanton, with the Alaska Department of Fish
22 & Game. I guess by default I'm going to
23 read this. I thought I was going to have to
24 fill in for Tom Tomley and get support from
25 Lin Perry-Plake. Somehow the hats got
turned around.

Page 45 are the brief staff
comments.

The staff comments are not broken
out by comments in C and T, so....

I would just essentially read in
the record starting with Proposal No. 11,
the staff comments.

Proposal No. 11, department does
not support the shellfish portion of the
proposal and defer detailed comments on
remainder until amendments are made to
provide details on the stocks involved and
potential regulatory options.

It should be noted that no Kenai
Peninsula shellfish stocks are within
federally regulated waters. The proposal
should be limited to finfish stocks that
occur in federally managed waters.

Regarding the customary and
traditional use determinations, we defer
detailed comments until the staff analysis

1 of the eight factors is completed. The
 2 staff analysis for 2001 will need to be
 3 substantially revised so as to focus on the
 4 documented customary and traditional uses of
 5 particular stocks by the remaining rural
 6 places on the Kenai Peninsula.

7 In addition, the analysis needs
 8 to identify and address areas that qualify
 9 for subsistence use, not just named
 10 communities, including their approximate
 11 populations. Most of the Kenai population
 12 lives outside incorporated areas and named
 13 communities.

14 Proposal No. 12, comments are
 15 pending. Comments will be provided after
 16 reviewing the staff analysis of the eight
 17 factors. This proposal seeks to establish
 18 subsistence opportunities in Tuxedni Bay.

19 No shellfish stocks fall within federal
 20 jurisdiction. This proposal needs to be
 21 limited to finfish stocks that occur within
 22 federally managed waters.

23 The analysis should address each
 24 stock named in the proposal that occurs on
 25 lands and waters subject to Federal
 jurisdiction and a clarification of waters
 within Tuxedni Bay the FSB considers subject
 to its jurisdiction. The proposed open
 areas include waters under State management.
 The analysis should also clarify the
 statement that "there are no communities
 that use these resources, only a few
 residents."

If adopted, the proposal needs to
 be amended to include appropriate
 regulations governing the taking of stocks
 for which a positive customary and
 traditional use determination is made,
 including provisions for harvest assessment.

Proposals 13 A and B: We defer.

This proposal would establish customary and
 traditional use findings and seasons for
 salmon and halibut.

As noted previously, the Federal
 Subsistence Board does not have jurisdiction
 over halibut caught in marine waters.

Halibut are managed under the terms of an
 international treaty, which is implemented
 by the Halibut Act and the regulations
 adopted thereunder. Under this regime, the

1 Secretary of Commerce and the North Pacific
2 Fishery Management Council are charged with
3 management authority for halibut fisheries
4 in U.S. waters. NPFMC is presently in the
5 process of adopting subsistence halibut
6 regulations. The elements of the proposal
7 dealing with halibut are best directed to
8 the NPFMC and not FSB.

9 For salmon, the staff analysis
10 should focus on the documented customary
11 uses of particular stocks by the remaining
12 rural places on the Kenai Peninsula.

13 Finally, Proposal No. 14: We
14 defer. This proposal would establish
15 seasons, limits and methods for the Kenai
16 River. It should be evaluated as part of
17 the analysis for FP2002-11. Further, it
18 would be important for the analysis to
19 consider the amount necessary for
20 subsistence uses for each stock with
21 customary and traditional uses in order to
22 avoid the unnecessary restrictions or
23 elimination of other uses.

24 Thank you.

25 MR. LOHSE: Any questions for
Charlie?

Thank you.

MR. ELVSASS: I have a question.

In regards to the halibut, the
halibut commission is working on that, has
the department taken any position at this
time on subsistence use of halibut within
State waters?

MR. SWANTON: Fred, I -- I don't
know what the answer to that may be. And I
don't want to provide you with the wrong
information. So my answer is I don't know.
Sorry.

MR. ELVSASS: Yeah, that's okay.
I just wondered if it was an item of
discussion at this point or if you want to
wait and see what the commission comes up
with.

That will be a major thing,
though, because the basic halibut State
fisheries is primarily within State waters.

1 So thank you.

2 MR. LOHSE: Any more questions of
3 Charlie?

4 Any other agency comments?
5 Fish & Game Advisory Committee
6 comments?

7 Okay. Summary of written public
8 testimony.

9 MS. WILKINSON: Mr. Chairman, we
10 have several on these proposals. All of
11 them are in opposition. Nancy Hillstrand
12 from Homer writes that Proposal 11 does not
13 consider or even mention biological
14 integrity sustainability or reproductive
15 strategy of the fish. Major mistakes have
16 been made of a historical consequence from
17 State and Federal management not taking into
18 consideration these biological priorities of
19 each species. The subsistence take of wild
20 fish cannot be sustainable without the
21 integrity of thoughtful biological
22 consideration of individual fish species,
23 their habitats, and interrelationships
24 throughout the life cycle.

25 United Fishermen of Alaska: As
regards Proposals 11, 13a and 13b, the
Federal Subsistence Board lacks jurisdiction
for shellfish since these occur seaward of
the mean high tide line in an area which is
not in Federal jurisdiction. We do not
concur with the proposal for unlimited fish
and shellfish harvest and recommend that
seasonal harvest limits be established which
reflect legitimate need.

Regarding proposal 12: The
Federal Subsistence Board lacks jurisdiction
in the marine waters of Tuxedni Bay.

Cooper Landing Fish & Game
Advisory Committee -- excuse me, the present
regulations provide ample opportunity for
harvest; for fisheries conservation reasons
the advisory committee opposes any rural
subsistence harvest in our area at this
time. Until customary and traditional
determinations for the Kenai Peninsula are
made for each species and community, and
until subsistence harvest levels are
established, this committee will reserve

1 further comment.

2 Proposal 14 -- excuse me, John
3 Nelson from Soldotna submitted this comment:
4 Proposal 14 falls significantly short of
5 fulfilling the Federal subsistence priority.
6 Fishing and hunting should clearly maintain
7 a subsistence priority in rural or local
8 preference. This proposal weakens the
9 Federal mandate to establish a subsistence
10 priority by subsuming that priority into
11 present State management and priorities.

12 Rich Wooten from Beaverton,
13 Oregon: I object to the addition of the
14 Kenai River being listed as C and T fishing.
15 You people in Alaska do not understand that
16 you're part of the United States. The
17 decisions you make have an impact on my
18 resource as a citizen of this country.

19 That's all the comments on these
20 proposals.

21 MR. LOHSE: I have no requests
22 for public comment, for public testimony at
23 this point in time on these proposals. If
24 I'm wrong, simply correct me.

25 With that, we'll now proceed to
where I had already proceeded.

Let's take a short break, sounds
good.

(Break.)

MR. LOHSE: We're back on
Proposal 11(a). We have it on the table to
accept it as the staff recommended.

Now, as we've gone through our
comments, and we can go on to Regional
Council discussion.

I found my little piece of paper
with the highlighted order of how to do it,
and I will try to set that in front of me so
that I don't get out of order next time.

Can I call Larry back? We have a
couple of questions to ask him.

MR. BUKLIS: Mr. Chairman, Larry
Buklis, office of subsistence management.

MR. LOHSE: Larry, on these fish
that we're considering, these freshwater

1 fish, are they all available on Federal
lands?

2

MR. BUKLIS: Mr. Chairman,
3 consistent with your discussion, my
understanding is that grayling and burbot
4 are more limited, especially in the Kenai
Peninsula area. The Kenai Peninsula portion
5 are more limited than other species that
we're talking about, I believe than occur on
6 Federal lands.

7 MR. LOHSE: You believe they
occur?

8

MR. BUKLIS: I believe they
9 occur, but they'd be much more limited than
the other species we've been talking about.

10

MR. LOHSE: They'd be a naturally
11 occurring fish, too, wouldn't they?

12 MR. BUKLIS: I believe so. I
might look to another biologist on the staff
13 who might know if any of these were
introduced or not. I believe they're
14 naturally occurring.

15 MR. NELSON: Dave Nelson of the
National Parks Service.

16 In regards to burbot and grayling
on the Kenai Peninsula, those species do
17 occur on Federal lands. Fish and Wildlife
Service lands and Forest Service lands in
18 the vicinity of Cooper Landing.

Grayling are not indigenous to
19 the Kenai Peninsula. They were first
stocked there in, I believe the late 1950s,
20 I think 1958 in Crescent Lake, and from
there they've been stocked in what I'm going
21 to estimate six to ten lakes generally
speaking, mountainous lakes, relatively
22 small.

Once there, they are in the
23 Forest Service and Fish & Wildlife Service
waters. Burbot are even a little more
24 limited in their distribution on the Kenai
Peninsula.

25 I know of two and possibly three
lakes in the Cooper Landing area where they

1 are found, and there had been reports that
2 very occasional fish has been caught,
3 occasional burbot has been caught in the
4 Kenai River. They're not what you might say
5 widely distributed.

6 As far as those fish occurring
7 naturally or whether they were stocked
8 there, I don't honestly know the answer.
9 When I worked on the Kenai Peninsula there
10 were rumors that quite a number of years ago
11 they were stocked; but, again, we've heard
12 that.

13 Thank you, Mr. Chairman.

14 MR. LOHSE: Any other questions,
15 anybody else, while they're up?

16 MR. ELVSASS: How about the
17 Susitna system, are there burbot there?

18 MR. NELSON: Mr. Chairman, I
19 really don't know if there are burbot in the
20 Susitna system or not. I'm not
21 knowledgeable.

22 MR. LOHSE: Does anybody from any
23 other agency in the audience have any
24 information to shed on those two fish?

25 Thank you.

Unless somebody has some more
questions for him.

Thank you.

Further discussion?

Clare, anything?

MS. SWAN: No.

MR. LOHSE: Fred?

I guess I have a problem finding
for a C and T that doesn't exist or exists
in a very limited range and limited numbers
for the whole area.

But I'll leave it up to the rest
of the Board. The question is in order.

MR. ELVSASS: Mr. Chairman, will
you prefer to delete those and address them
at a later request by people? I mean --

MR. LOHSE: I personally would --
I would feel better if we stuck to something

1 that we have information on than if we went
2 out a limb as general as that.

3 MR. ELVSASS: That's what I was
4 working towards.

5 You know, recognizing the
6 Chairman's concern about grayling and
7 burbot, I would move to amend the motion to
8 delete grayling and burbot at this time.

9 MR. JOHN: I'd like to second the
10 motion.

11 MR. LOHSE: You second it?
12 Give my thoughts on it while you
13 guys make a motion. To me, if somebody has
14 a concern about those fish, they can put a
15 specific proposal to address them in the
16 future. We can gather information on them
17 and specifically address them. There's no
18 question on salmon. There really is no
19 question on Dolly Varden. Trout have been
20 used, it looks like. Lake trout are almost
21 as questionable as grayling and burbot and I
22 think they come in a very limited range,
23 too, just basically in the Cooper Landing
24 area. But I think the lake trout are
25 natural, but I'm not positive on that.

Larry, have you got any
information on that?

MR. NELSON: Yes, thank you,
Mr. Chairman, Dave Nelson, National Parks
Service. Lake trout are more widely
distributed on the Kenai Peninsula, and they
are Native to the Kenai Peninsula.

The large glacial lakes such as
Kenai Lake, Skilak Lake, Tustumena Lake,
they do have lake trout and there are
smaller lakes such as Hidden Lake certainly
has them. And there are lake trout on the
west side of Cook Inlet on the Crescent
River drainage. They are occurring and they
do occur naturally on the Kenai.

MR. LOHSE: Thank you.

Okay. We have an amendment on
the table.

Is there any discussion on the
amendment or question on the amendment?

1 MS. SWAN: I would concur with
2 that amendment.

3 MR. LOHSE: Question is in order.

4 MR. ELVSASS: Question.

5 MR. LOHSE: Question has been
6 called on the amendment that's before us.
7 All in favor, signify by saying
8 "aye."
9 COUNCIL MEMBERS: Aye.

10 MR. LOHSE: All opposed, signify
11 by saying "nay."
12 The amendment carries.
13 We have an amendment before us.
14 Do we have any further question on --
15 discussion on the amendment, which would
16 find Dolly Varden, salmon, trout, which
17 would occur on the Kenai and the western
18 side of Cook Inlet --
19 Let me read it exactly the way
20 it's written. That will be much better than
21 if I sit here -- okay?
22 As recommended -- hang on.
23 Pat, could you tell me which page
24 I need to look at real quick?
25 I think it's page 27 or
something.

MS. PETRIVELLI: Page 30.

MR. LOHSE: Page 30, right.
Cook Inlet area, C and T, for
fish other than salmon, Dolly Varden, trout,
char, and that would be it. Char includes
lake trout.
So, fish other than salmon, C and
T finding for Dolly Varden, trout, char for
residents of the Cook Inlet area, rural
residents of the Cook Inlet area.
So --

MS. PETRIVELLI: Excuse me,
that's how it was proposed.

MR. LOHSE: Yep.

1 MS. PETRIVELLI: And then the
2 bold one --

3 MR. LOHSE: Susitna, west side
4 Cook Inlet, Dolly Varden, trout, char, the
5 Kenai Peninsula area. Salmon, Dolly Varden,
6 trout, char.

7 Except for -- and there was an
8 exception in here that we never discussed
9 Halibut Cove, Jakolof Bay, Nanwalek, and
10 Port Graham.

11 Have we called the question?
12 No, we haven't called the
13 question.

14 Do I have any discussion on those
15 from Fred or Clare, those exceptions?

16 MS. SWAN: Why isn't Nanwalek --

17 MR. LOHSE: Because they don't
18 come north.

19 MS. PETRIVELLI: The way, on page
20 30, the italicized is how the regulation
21 reads now, so -- and that means all the
22 rural residents of the Cook Inlet area have
23 C and T for all fish except for those named
24 species.

25 Now, when you break it up, then,
it would be the recommendation is to break
it up for two separate areas and make
separate C and Ts for those groups of
people, for those species.

So, in the unitalicized area it
would say the same. It would say "fish
other than," and it would say "residents of
the Cook Inlet area." And then -- so you
would change just under the two -- just put
salmon, Dolly Varden, trout, and char, if
that's what you wanted to do to take out the
language --

Because, if you don't add those C
and Ts, then we'll -- all residents of the
Cook Inlet area have C and T for all fish
except for salmon, Dolly Varden, trout,
grayling, and burbot, and then now you're
making positive determinations for those
species, the salmon, Dolly Varden, trout,
and char for those communities.

1 Does that make sense?

2 MR. LOHSE: But do we want -- as
3 a Council, do we want to break it up into
4 two parts or do we want to say all rural
5 residents of Cook Inlet area?
6 Fred?

7 MR. ELVSASS: I don't feel
8 comfortable breaking it up. You know,
9 because when you look at trying to document
10 subsistence use present and past, it's
11 difficult. I know if the survey was done in
12 an area like Port Graham and Nanwalek,
13 Jakalof Bay, those people are primarily
14 concerned with the immediate problem of
15 preserving their rights at home. But, in
16 turn, they also go out. You know, they fish
17 halibut, they gill net Cook Inlet, they go
18 hunting on the west side and things of that
19 nature. And certainly, I wouldn't want to
20 exclude them from any subsistence rights.

21 And if I was living in Port
22 Graham, and I looked at this new regulation,
23 I would say, "Hey, they're excluding me from
24 salmon fishing." And that, I think, is
25 wrong.

26 I think the interpretation,
27 looking at the area and so forth, Cook Inlet
28 as a whole, their subsistence area Port
29 Graham and Nanwalek are within Cook Inlet,
30 and I have to say that I don't feel
31 comfortable breaking this up. And pretty
32 soon we're back to the old thing where the
33 State's system is of conquer and divide with
34 the haves and have nots. They have a right
35 to subsistence, and they're within the Cook
36 Inlet area, and I think they should be
37 included.

38 I've got to say I'm happy you
39 pointed that out. I forgot about it.

40 MR. LOHSE: I didn't realize
41 that. I thought the one we were going with
42 was the one in italics, all fish other than
43 salmon, Dolly Varden, grayling, and burbot --
44 I thought we were going to drop the burbot.
45 We were doing a C and T for all other than
46 salmon, Dolly Varden, trout, and char. I
47 was reading it wrong. I thought that's what

1 we put on the table on the motion.
2 What we put on the table as a
3 motion was that we accept staff
4 recommendations. Staff recommendations was
5 the last two which was basically splitting
6 it up in two parts. We've amended it to
7 take off grayling and burbot, so at this
8 point we can have another amendment if we so
9 wish to combine it for all rural residents
10 of the Cook Inlet area for C and T for Cook
11 Inlet area, if that's what somebody would
12 wish to do.

13 MS. SWAN: I'm making a motion to
14 amend to that to combine it.

15 I don't -- maybe I'm missing
16 something, but I don't think we should split
17 it up. Why are we doing that?

18 MR. LOHSE: Well, I think it's
19 possibly because the west side over there,
20 and the only area that was documented from
21 the east side over to the west side was
22 Ninilchik and Seldovia. There was no
23 documentation of anything else going over
24 there.

25 But I can't imagine people
running around in the salmon hooks and don't
go around both sides.

But I mean, it's up to the rest
of the Council. I was inferring something I
shouldn't infer. The motion on the table is
to take staff recommendations which is the
part in bold type, and our first amendment
was to delete the grayling and the burbot.

MS. SWAN: Right.

MR. LOHSE: As the motion stands
right now, it's to support the proposal,
Susitna, west side of Cook Inlet area,
salmon, Dolly Varden, trout, and char,
findings of residents of the west side of
the Ninilchik. The Kenai Peninsula --
residents of the Kenai Peninsula area,
except for Halibut Cove, Jakalof Bay,
Nanwalek, and Port Graham.

That can be amended at the wishes
of the Council or it can stand whatever way
we got it on the table.

1 You made a motion to amend it --
2 to all rural residents of Cook Inlet?

3 MS. SWAN: Yeah.

4 MR. ELVSASS: I will second it.

5 MR. LOHSE: Now we have the
6 amendment on the table.

7 And the discussion basically
8 should center around do we have enough
9 information to do that? Do we have enough
10 personal information to do that?

11 MR. ELVSASS: Well, I'll speak to
12 that. You know, historically, the people
13 living on the peninsula in the towns and
14 villages early May, mid-May, late May went
15 to the west side for king salmon fishing.
16 That was where people caught kings. You've
17 got to remember now we've got king salmon
18 fisheries, Nanwalek, Port Graham, Seldovia,
19 Homer, those are all hatchery fish. When
20 you look at customary and traditional uses,
21 that's where people went for kings.

22 After they caught the kings they
23 needed, they came back to the east side for
24 the red salmon and silver salmon, and some
25 went back for -- went back for the silvers
26 on the west side. There are large silvers
27 along the west shores. So, the customary
28 use, historically had been to go to the west
29 side.

30 The kings that were going in the
31 Kenai, Kasilof, Ninilchik drainages, were
32 primarily caught by the people in that area.

33 But the southern peninsula, there was no
34 king salmon fishery, and we're talking
35 salmon here along with salmon you catch
36 other fish.

37 So, I know personally, I've done
38 it myself for 50-some years, and my purpose
39 in sitting on this Council is trying to make
40 these things so that everybody can be legal
41 and still have subsistence fisheries. I
42 would hate to deny anybody the right to
43 food.

44 Thank you.

45 MR. LOHSE: Any other comments?

1 Clare?

2 MS. SWAN: We over in the Kenai,
3 we have the king salmon fishery, but way
4 early when the ice went out of the river,
5 they run over, the men would go over to
6 Kustatan for early things, and they were
7 always just wonderful to have.

8 MR. LOHSE: That's the west side.

9 MS. SWAN: Yeah, on the west
10 side. That's true.

11 MR. LOHSE: We have a
12 justification for combining the two of them.
13 We have always been -- tried to
14 as a Council to be more inclusive instead of
15 exclusive. That's been kind of the way that
16 we have operated in the past. So the
17 amendment on the table is to change it to
18 all rural residents of the Cook Inlet area,
19 customary and traditional finding for
20 salmon, Dolly Varden, char.

21 MR. ELVSASS: Kenai Peninsula.

22 MR. LOHSE: Cook Inlet, Kenai
23 Peninsula.

24 MR. ELVSASS: Right.

25 MR. LOHSE: I took for granted
26 Kenai Peninsula is part of the Cook Inlet.
27 Let's do it, Cook inlet, Kenai
28 Peninsula.

29 Okay. Customary and traditional
30 finding for salmon, Dolly Varden, char.
31 Okay. That's the amendment. Anymore
32 discussion?

33 Question is in order.

34 MR. ELVSASS: Question.

35 MS. SWAN: Call the question.

36 MR. LOHSE: Question's been
37 called, all those in favor, signify by
38 saying "aye."

39 COUNCIL MEMBERS: Aye.

1 MR. LOHSE: All those opposed,
2 signify by saying "nay."
Motion carries, we have an
3 amended motion before us, and -- a customary
and traditional finding for all rural
4 residents of Cook Inlet, Kenai Peninsula,
for salmon, Dolly Varden, trout, char,
5 grayling, and burbot.
Any other discussion?
6 If not, the question is in order.

7 MR. ELVSASS: Question.

8 MR. LOHSE: Question's been
called, all those in favor, signify by
9 saying "aye."

10 COUNCIL MEMBERS: Aye.

11 MR. LOHSE: All opposed signify
by saying "nay."
12 Motion carries.
We could use a motion at this
13 point in time, but this applies to the
customary and traditional portion of
14 Proposal 12 and 13. Too, if we would like,
we can just not take action on the customary
15 and traditional portion of 12 and 13.
Would somebody like to make that
16 motion?
This covers the customary and
17 traditional portion -- is that necessary,
Bill, doing this, have we done that?
18

19 MS. WILKINSON: After they've
been addressed individually, we need to take
some action.

20 MR. LOHSE: We can take no
21 action, okay? At this point in time, let's
take -- let's just do nothing, when we get
22 to those we'll take no action or address
them.
23 And we'll go on to -- let me look
at my agenda real quick.
24 Now we need to go on to the
second portion, right, Pat --
25 These are so -- we're combining
so many at one time, I'm not sure how to

1 handle this.

2 MS. WILKINSON: I would suggest,
3 Mr. Chairman, that you need to for the
4 record either make a statement and the
Council does by concurrence take no action
on 11, 12, 13, and 14(a).

5 MR. LOHSE: Let's do it that way.

6 MR. ELVSASS: We just adopted
11(a). What are we going to do about 11(b)?

7
8 MR. LOHSE: We're going to go on
to 11(b) next. But this covers the A
portion of 12, 13, and 14. But we need a
9 motion to that, just to clear off -- clear
those proposals off.

10 So, a motion that our action
covers or that we'll take no action on the A
11 portion of 12 and 13 and 14, that we feel
this covers it is in order.

12 MS. SWAN: So moved.

13 MR. LOHSE: Been moved.

14 MR. ELVSASS: Seconded.

15 MR. LOHSE: Seconded. All those
16 in favor -- questions, discussion?

17 MR. JOHN: Question.

18 MR. LOHSE: All in favor, signify
by saying "aye."

19 COUNCIL MEMBERS: Aye.

20 MR. LOHSE: All opposed, signify
21 by saying "nay."
Motion carries.

22 Now we go on to the B portion,
seasons, harvests, methods, means, aspects.

23 Larry and Pat are going to do a
presentation on that. Page 2.

24 Where is it in the back on here?
It should be page 4.

25 Am I right?

1 MS. PETRIVELLI: 43.

2 MR. BUKLIS: Mr. Chairman, we did
3 speak to the B portion in my presentation.

4 MR. LOHSE: Right.

5 The recommendation from the staff
6 on that are on the top of page 44 in the
7 black type.

8 Under authority of the
9 subsistence fishing permit, seasons, harvest
10 possession limits, methods and means for the
11 taking of salmon, Dolly Varden, trout, and
12 in this case, burbot, grayling are type --
13 are the same for the taking of fish under
14 State of Alaska sport and -- fishing
15 regulations. It establishes subsistence
16 priorities but leaves the same methods as
17 used today.

18 Do we have a motion to adopt the
19 staff recommendations?

20 MR. ELVSASS: I would move to
21 adopt the staff recommendation with the idea
22 that they need to address this more fully.

23 MR. LOHSE: Do I hear a second?

24 MS. SWAN: Seconded.

25 MR. LOHSE: It's been moved that
we adopt the staff proposal of
recommendations B in the recommendations.

Discussion?

Fred?

MR. ELVSASS: Well, to listen to
Tom Boyd to say this is a start and it's
going to take a couple of years and -- to
get this out, I don't see this sport fishery
as -- as addressing subsistence needs. One
fish a day, two fish a day. When I put up
fish, I need 50 fish to a hundred fish tide,
for that tide, then I don't fish while I'm
processing the fish. I got to fill the
smokehouse; I got to can fish; I got to
freeze fish, and salt fish. I do this
timely. It doesn't make sense to start a
smokehouse for two fish. And not when
you're putting up any amount of fish for

1 subsistence.

2 Sports fishing, that's different,
3 you can use a Little Chief smoker and do
4 that, but I dry a lot of fish, and my family
5 gets -- basically, gets their fish from what
6 I put up. I just have heartburn with the
idea that we're going to have a subsistence
fishery and yet you can't catch any amount
of fish to be meaningful subsistence
fishing. That just doesn't sit right with
me.

What would it take to adopt this
in its present form and then move to raise
this limit? I think we're talking about
just two years of just a process to get it
before us again. That's -- that's really
hard to swallow. I know it's important that
we work towards getting the Federal and
State rules and regulations and permitting
systems in a meaningful fashion for
everybody to have access to the resource,
and try to come up with something, but I
think looking at the -- this concept of
subsistence fishing under sport fish regs,
the State would say, why are we bothering
with subsistence? Why don't you guys just
go sport fishing, and that's not what we're
sitting here for.

So, you know, if -- if we could
address this at future meetings and have it
on the agenda, that would be acceptable, but
if we adopt this and go home and forget
about it, we've done nothing. Because
what's here, you can do already.

MR. LOHSE: I kind of agree with
you, Fred, as far as not changing what a
person can do, but it does do -- there's
actually three things that it does, and
three purposes behind it from what I could
understand. No. 1, it sets a priority. It
makes subsistence the priority so in case of
shortfalls and 804 comes into effect,
subsistence has a priority.

It makes possible a subsistence
permit so a person doesn't have to operate
under a State of Alaska permit on Federal
land, but underneath that subsistence permit
then information can be gathered too to
make -- to make adjustments in the future.

1 At this point in time, we have --
2 other than salmon we have no information as
3 to the usage for -- or even the request for
4 usage of these other fish.

5 You're right, it doesn't change
6 anything as far as status quo on trout or
7 dollies or char, but it does establish a
8 priority and it does put a permitting system
9 in place that we use for collecting
10 information and changing in the future.

11 That's the only thing that I can see that it
12 does anyhow.

13 Would you have some suggestions
14 as to how to change it?

15 MR. ELVSASS: Well, my thinking
16 is that, you know, if we adopt this with the
17 provision to address the harvest in the
18 future, if we know it's going to be on the
19 agenda and we get sufficient information,
20 then we can properly address it. But if we
21 adopt this and just go home and then we
22 never talk about it again, we've done
23 nothing. The priority is great. I agree
24 with the concept of the priority, but I
25 don't see that as allowing people adequate
26 access to the resource, and that's what
27 we're talking about here.

28 So, you know, is it possible to
29 make an amendment to this proposal that the
30 harvesting of the resource will be addressed
31 at each meeting and we develop a sufficient
32 subsistence fishery here?

33 MR. LOHSE: The harvest, method,
34 means and limits will be addressed.

35 One thing as a comment on this is
36 once we've established a priority. Once
37 we've set the C and T, people can put in
38 individual proposals addressing specific
39 harvests, methods, means and limits in the
40 future so then subsistence users can bring
41 before us proposals to address specific
42 methods and means to harvest specific
43 stocks.

44 So, I'm sure we will be
45 addressing it in the future, because I think
46 it will be sitting on our table every time.
47 But, if you want to put it in as an
48 amendment, that would be totally legitimate

1 that this is a temporary -- temporary
2 measure, and that in the future harvest
3 methods -- means and methods would be
4 addressed. Something to that effect. Or
5 specific harvest methods -- means, methods,
6 whatever. You think it's necessary. If you
7 think it's necessary, let's put it in as an
8 amendment.

9 MR. ELVSASS: See, there's
10 where -- I'm certain it's necessary,
11 otherwise, forget it.

12 MR. LOHSE: Let's look at that
13 proposal on page 44. Seasons, harvest, and
14 possession limits, and methods and means for
15 taking of salmon, Dolly Varden, trout,
16 grayling, char, and burbot are the same as
17 for the taking of fish under State of Alaska
18 sport fishing regulations -- how about if we
19 just add "at this time," harvest methods
20 means and limits will be addressed in the
21 future.

22 I don't think that should be part
23 of the regulations.

24 MR. ELVSASS: If we got that, it
25 sits at this time. I think the proper way
26 would be to make the separate motion to
27 address these as an agenda item the next
28 meeting.

29 MR. LOHSE: To put them as an
30 agenda item in future meetings?

31 MR. ELVSASS: Yeah. So --

32 MR. LOHSE: That would have to be
33 a separate -- that would not be a
34 regulations proposal. That would be a
35 separate motion to be put on the table.

36 MR. ELVSASS: Before I -- let's
37 do this in a separate motion, but -- Fred,
38 what do you think? Do you think it would
39 work, that we address it after we adopt this
40 motion, because if we do, then we're stuck
41 with it.

42 What do you think?
43 There's no way I can subsistence

1 fish on one fish a day.

2 MS. SWAN: Mr. Chairman?

3 MR. LOHSE: Yes.

4 MS. SWAN: We should perhaps do
5 that, because there is -- if you -- there
6 are some -- if you address the needs, is
7 it -- what Fred says, that he just -- he
8 provides it for most of his family, so --
9 and there are smaller amounts, you know, so
probably should be done in other meetings
and under the proposal system, the proposal
system work, that would take care of it
specifically for groups and people's needs,
I think.

10 MR. LOHSE: That's what I see is
11 that under this, Fred or anybody else can
12 have the proposal in next year or at any
13 future meeting to address specific methods,
14 means, and limits that are needed. And this
opens that opportunity because it puts a
regulation in place that can be then
addressed. If we have a regulation -- we
just put C and T in place, so now proposals
can come in.

15
16 MR. ELVSASS: My problem is look
17 how many years it took to get to today, you
18 know, and I can see us bogged down in three
or four years trying to -- trying to get
this harvest limit to a realistic number.
That's where I'm stuck.

19 If the Council is agreeable to a
20 second motion after adoption of this one to
21 place this on the next agenda for action or
review, then we know that it's not going to
die. That's what I'm afraid of. I don't
want it to die.

22 MR. LOHSE: That sounds
23 legitimate. I don't see any problem with
24 that, to have a place for review on the next
25 agenda and see by that time maybe somebody
has some ideas as to what is the means and
needs --

MR. ELVSASS: I don't want to let

1 go of it until I know I have support.
2 Okay. That's all I have, then,
3 I'm agreeable to adopting the motion as is,
4 and I'll make a second motion after that.

5 MR. LOHSE: Do I hear any other
6 discussion on it?

7 MR. JOHN: What's the motion?

8 MR. LOHSE: The motion on the
9 table is we adopt under the authority of the
10 subsistence fishing permit, season, harvest,
11 and possession limits and methods and means
12 for the taking of salmon, Dolly Varden,
13 trout, grayling, char, and burbot are the
14 same as for the State of Alaska sports
15 fishing regulations. And basically we have
16 to remember this is on Federal lands.

17 MR. ELVSASS: Yes.

18 MR. JOHN: Second.

19 MR. LOHSE: It's been moved and
20 seconded.
21 We already had it on the table?

22 MR. ELVSASS: Yes.

23 MR. LOHSE: What we need is
24 anymore discussion or question.

25 MS. SWAN: Question.

MR. LOHSE: Question has been
called.

All in favor, signify by saying
"aye."

COUNCIL MEMBERS: Aye.

MR. LOHSE: All opposed, signify
by saying "nay."

Motion carries.

At this time I'd like to welcome
Roy. Good to see you again.

We have a whole bunch of new
faces out there that haven't introduced
themselves. Those of you that weren't here

1 for this morning's introduction, we'll start
right in the front and go through everybody.
2 Those of you that weren't here for this
morning's introductions, as it goes down the
3 row, stand up and tell us who you are.
Start on the front row.

4
MS. WRIGHT: Sherry Wright,
5 Alaska Department of Fish & Game. I work
with the Southcentral Fish & Game Advisory
6 Committees.

7 MR. SIMMONS: My name is Rod
Simmons, Fish & Wildlife Service.

8
MS. FERNANDEZ: Sabrina
9 Fernandez, with the attorney general's
office in the natural resource section.

10
MR. BRELSFORD: Taylor Brelsford.
11 I serve with the BLM on the interagency
staff committee.

12
MR. THOMPSON: Ken Thompson,
13 Forest Service.

14
MR. BOSS: Fred Boss, Fish &
Wildlife Service, staff committee member.

15
MS. GOTLEEB: Judy Gotleeb with
16 the National Parks Service, Federal
subsistence work.

17
MR. SONABEL: Gary Sonabel, Fish
18 & Wildlife Service, designated as the fish
and wildlife management.

19
MR. MEYERS: Marty Meyers,
20 National Forest Service, law enforcement.

21
MR. MOYOLA: Barry Moyola, law
enforcement, U.S. Forest Service out in
22 Anchorage.

23
MS. McBURNEY: Mary McBurney,
National Parks Service.

24
MR. HART: Joseph Hart with
25 Ahtna, Incorporated.

1 MR. LOHSE: I think we got a
couple more.

2 MR. JUSTIN: Good morning.
3 Wilson Justin. We represent the Mount
Sanford Tribal Consortium. I noted a couple
4 other members in the audience too. Thank
you.

5 MR. LOHSE: I notice there was a
6 couple other members. Can I get them to
introduce themselves?

7 Okay. If you don't wish to,
that's fine too.

8 You're the one that's supposed to
stand up and tell us who they are. It's
9 nice to see somebody other than just
government employees here.

10 (Laughter.)

11 MR. LOHSE: At this point in time
12 we will --

13 MR. ELVSASS: My motion --

14 MR. LOHSE: Going to have the
motion right now.

15 MR. ELVSASS: Thank you.

16 Okay. I move that the previously
adopted motion on harvest limits be on the
17 agenda for the next meeting.

18 MR. LOHSE: For review?

19 MR. ELVSASS: Yes, for review.

20 MR. LOHSE: For review.
Do I hear a second?

21 MR. JOHN: I second it.

22 MR. LOHSE: It's been moved and
23 seconded that the previous motion that we
just made be on the agenda -- you want it
24 the next spring meeting, so it's a year from
now when we take care of fish, or do you
25 want to stick it on the fall meeting which
is the game meeting?

1 MR. ELVSASS: No, our next
2 meeting is the spring meeting. The next
3 meeting.
4 MR. LOHSE: The next spring
5 meeting.
6 MR. JOHN: Question.
7 MR. LOHSE: Question has been
8 called.
9 All those in favor, signify by
10 saying "aye."
11 COUNCIL MEMBERS: Aye.
12 MR. LOHSE: All opposed, signify
13 by saying "nay."
14 Motion carries.
15 That was a hard one. Let's take
16 a -- I say take a five-minute this time. I
17 need to walk back and get a glass of water.
18 Let's try to make it five minutes
19 instead of 15.
20 (Break.)
21 MR. LOHSE: Okay. At this point
22 in time, Council, a motion to handle the
23 12(b), 13(b), and 14(b) portion of these
24 requests is in order. With condition we
25 make the same kind of motion that we made on
the 12(a), 13(a), and 14(a) portion.
MR. VANEK: Mr. Chairman, is it
too late to make a comment on the previous
motion?
MR. LOHSE: No, no, it's not.
MR. VANEK: I want to say I'm a
little bit concerned about how this proposal
is written under the -- I guess under the
regulations of sport fishing. I just hope
that we be concerned about precedents that
may be set here, you know, to other areas.
Other areas may face the same situation
some- day where your subsistence is guided
by the Alaska State sport fishing
regulations. That to me bothers me. I hope

1 that we take that into consideration.

2 I think subsistence should be
3 separate. It should not be part of any
4 other regulations or following its use such
5 as sport fishing.

6 I do have a concern, as Fred has,
7 I guess. I'm sorry that I missed so many
8 meetings. I thought that I was off this
9 Council because I missed so many meetings.
10 My previous work didn't allow me to attend
11 meetings, and I apologize for all that. I
12 thought I was off. That's why I did not
13 come at all.

14 MR. LOHSE: We never took you
15 off.

16 MR. EWAN: Thank you.

17 MR. LOHSE: That was a concern of
18 others, that's why we put it on for review,
19 because there was no other way to handle it
20 right now because we didn't have the
21 proposals -- for 12(b), 13(b), and 14(b). A
22 motion is in order. How did we write our
23 last motion on that?

24 MS. WILKINSON: Just to take no
25 action.

MR. LOHSE: Take no action.

MS. SWAN: So moved.

MR. LOHSE: Second?

MR. JOHN: Second.

MR. LOHSE: Moved and seconded
that 12(b), 13(b), and 14(b) we take no
action. That's because we feel the action
we took on 11(b) covers it.

If there's no questions, question
is in order.

MR. JOHN: Question.

MR. LOHSE: All those in favor,
signify by saying "aye."

1 COUNCIL MEMBERS: Aye.

2 MR. LOHSE: All those opposed,
say "nay."

3 Motion carries.

4 Section 15 requests a positive
customary and traditional use determination
for freshwater fish throughout the Copper
5 River drainage, upstream of Haley Creek,
within the Prince William Sound Area for the
6 residents of the Resident Zone Communities
of the Wrangell-St. Elias National Park,
7 with the exception of Yakutat, and residents
of Cantwell, a Resident Zone Communities of
8 the Denali National Park.

9 I think we'll have time for
discussion on that. I think we'll break for
lunch and come back to this proposal in the
10 afternoon. That way everybody will have a
chance to get someplace to eat.

11 So, with that, I'm turning it
over to Pat.

12
13 MS. PETRIVELLI: Thank you,
Mr. Chairman. Again, I'm Pat Petrivelli,
the anthropologist. This proposal was
14 submitted by the -- it was stated for a
positive customary and traditional use
15 determination for fish, throughout the
Copper River drainage. It's for residents
16 in the resident zone communities of
Wrangell-St. Elias National Park and also
17 the residents of Cantwell, which is a
Resident Zone Community of the Denali
18 National Park. Those communities are listed
on page 50 in the bold type or in Table 1 on
19 page 53. And basically, the communities are
either Ahtna traditional or upper
20 traditional or communities settled in the
1900s. The current -- currently, the C and
21 T determination for that area is all rural
residents and then the area is on -- of the
22 affected waters are on page 52. The Federal
waters are the -- all waters within the
23 exterior boundaries of the
Wrangell-St. Elias National Park. For what
24 the proposal request covers, the data used
to make the analysis was from Fish & Game
25 household surveys, and the main one for
the -- so, in 1982, a study was done in the

1 Copper River Basin that included all the
2 Copper River Basin communities, and then
3 there was the Upper Tanana communities that
4 were surveyed in 1987, I think, and the only
5 communities that weren't studied have
6 been -- that haven't been directly studied
7 was Healy Lake and they weren't included in
8 the Upper Tanana -- Upper Tanana household
9 studies by ADF&G but testimony has been
10 presented to this council and the eastern
11 interior Council that indicated that the
12 Healy Lake residents were essentially -- the
13 use was essentially the same as the Upper
14 Tanana communities.

15 From those Fish & Game household
16 studies, it showed that 100 percent of all
17 the households' uses -- or 13 of the 21
18 communities in -- in 13 of the 21
19 communities surveyed, 100 percent of all the
20 households used subsistence foods.

21 The estimated per capita harvest
22 in these communities ranged from 95 pounds
23 to 342 pounds. Freshwater fish other than
24 salmon made up greater than 20 percent of
25 the annual use in eight of those
communities, mainly those that aren't on the
Copper River and the ones -- the communities
that were on the Copper River, the annual
use of freshwater fish other than salmon
range from 8 to 17 percent. What the data
said was the closer you were to the Copper
River the less use of other freshwater
species and the farther away there was a
greater use of freshwater fish species with
salmon being the factor that people closer
to the Copper River use more salmon.

19 The use of freshwater fish in all
20 of these communities has been just in the
21 seasonal round of subsistence activities has
22 been described as a supplemental resource.

23 And the uses of whitefish and
24 other fish, such as the burbot, that can be
25 caught through ice were important in winter
and early spring months. In some areas,
grayling was also associated with spring,
being one of the first fresh fish to be
caught before the salmon runs arrived. The
use of lake fish also occurred along with
hunting camp activities. When the men were
up in the higher elevations hunting for

1 moose, caribou, sheep, or goat, women made a
 2 base camp near a fish lake and a good
 berry-picking location.

This use of freshwater fish
 3 continues at varying levels in the
 communities throughout the two regions as
 4 shown in the percentage of per capita pounds
 used annually -- in relation to the Copper
 5 River and depending upon the location of
 this species.

6 Rainbow trout is used in all but
 three communities. Eleven communities use
 7 pike and six use sucker. The uses are
 described in -- well, the percentage of uses
 8 on page 56 of the yearly per capita pounds
 and sorted by percentage of use of
 9 non-salmon fish.

The areas where people fish for
 10 freshwater fish locations -- the map is on
 page 59, and the -- there's 29 different
 11 locations used by Copper Basin communities
 for the taking of freshwater fish. Of
 12 these, 19 are located in Federal waters,
 five of these are not located in the Copper
 13 River basin but are within the Park or
 Preserve boundaries.

14 In the pattern of use, as I said,
 the general pattern is either that young --
 15 people use the lakes and creeks and streams
 for freshwater fish located in their area
 16 and the other activity is to travel usually
 in association with other hunting or
 17 berry-gathering activities. The one area
 where people traveled a lot to get fish was
 18 burbot in Mentasta Lake, but that's a
 non-Wrangell-St. Elias Park area, but people
 19 did travel other areas for hunting.

On page 60, the Upper Tanana
 20 communities, they documented their use of
 the Wrangell-St. Elias for fishing. They
 21 didn't document whether it was for salmon or
 non-salmon fish species, but they showed use
 22 in the Nabesna area, the Upper Copper River,
 and then the Kuskulana drainage.

23 The patterns of sharing of fish
 or non-salmon resources is in Table 4, and
 24 the diversity of resources used is in Table
 5 on page 62.

25 In all of the communities where
 data is available show diversity with --

1 ranging from six species used to the highest
2 one was Nabesna and Chisana. And Chisana
3 has 16.6 different species and Nabesna Road
4 was 14.1 different species used.

5 The preliminary conclusion was to
6 support the regulations or the proposed
7 regulations without modification, because
8 the data from the subsistence division
9 household surveys and MPS communities
10 studies show that freshwater fish is a
11 significant use for these communities, while
12 the uses between the two communities, the
13 use of freshwater fish is present as a
14 subsistence resource and the data requested
15 the information from the Wrangell- St. Elias
16 to recognize the customary and traditional
17 use in the Copper River drainage by the
18 proposed communities.

19 MR. LOHSE: Any questions for
20 Pat?

21 Pat, if I understand correctly,
22 then, currently, since there's no C and T
23 finding, all rural residents have C and T in
24 this area that we're talking about?

25 MS. PETRIVELLI: Yes.

MR. LOHSE: What this will do,
then, this will limit it to -- the C and T
to these communities that are part of the
National Parks residents of the communities.

MS. PETRIVELLI: And Cantwell.

MR. LOHSE: And Cantwell.
Any other questions for Pat?

MR. EWAN: Mr. Chairman, I have
one.

What is it, 1983, 1984
information, right?

MS. PETRIVELLI: Some of it is.
Well, the first study was done in 1982, and
the more recent study was done in '87. For
household surveys, but the documentation of
areas was mainly done in '82 where people
indicated where they fished and then MPS
communities studies --

1 MR. EWAN: Mr. Chairman, is it
2 proper for me to make a comment?

3 MR. LOHSE: Yes.

4 MR. EWAN: I just want to make a
5 short comment about subsistence fishing for
6 the species that we're talking about here.

7 Some of the past methods and all
8 that were really not addressed, I don't
9 think. In our area -- there were many
10 unnamed -- many small lakes, for fish,
11 some -- we would have a camp and sit there
12 and fish all night.

13 It had no name -- those lakes
14 were only known by Indian names, so today, I
15 see a list of communities and so forth and
16 lakes, areas that were used, drainage that
17 were used. The rest were -- method, any
18 method you could get. If you grabbed -- if
19 you could grab it with your hand, any
20 method, that was for subsistence uses. I
21 wanted to say that because it appeared to me
22 that because this information that you have
23 about the amount of fish for a community,
24 you know, counting for a community, seemed
25 very low compared to actual uses years ago.

26 We used to have fish trap that
27 caught, I would say, in a week about 2 or
28 300 pounds and during the year probably over
29 a thousand pounds. This is one -- probably
30 one household, because a lot of it was used
31 for dog teams, and feeding a dog, and all
32 that.

33 I mean, I just wanted the record
34 to show that the real usage years ago for
35 subsistence, I don't think it shows up.

36 Thank you.

37 MR. LOHSE: Any other questions
38 for Pat?

39 MS. WILKINSON: I'm going to move
40 the mics around.

41 MS. LOHSE: Okay. With that, I
42 was just looking at the time right now.
43 It's about -- my clock says it's about
44 11:25. Is that about right? Maybe what we

1 can do -- maybe what we can do is have the
2 Alaska Department of Fish & Game comments at
3 this point in time and we'll try to get out
4 of here about quarter to 12:00.

5 MR. SWANTON: Thank you,
6 Mr. Chairman. Again, for the record my name
7 is Charlie Swanton. I work for the
8 Department of Fish & Game.

9 Staff comments for Proposal
10 No. 15 is to defer. This proposal would
11 establish customary and traditional use
12 findings for the freshwater fish in the
13 Copper River upstream of Haley Creek. The
14 State recommends deferring action on
15 customary and traditional use and regulatory
16 findings pending completion of Project
17 FIS1-110, the harvest use of non-salmon
18 species in the Copper River basin. Once
19 these data are available, the Federal
20 Subsistence Board will be able to make
21 precise determinations and craft appropriate
22 regulations for the various nonsalmon fish
23 stocks. We do not believe this will create
24 hardships because of the limited
25 jurisdiction of the FSB on waters where
these fish are taken as most of the harvest
likely occurs in state waters. Coordination
with the state regulatory process needs to
take place, and this will be easier when the
results of Project FIS01-110 are available.

If I may, just as a -- just as an
example, on page 59, where you have
freshwater fishing locations, you will see
Sculpin Lake, Strelna Lake, Silver Lake and
lakes and creeks along the Edgerton Highway.
These lakes are stocked by the Department of
Fish & Game with rainbow trout, and as
another example, Silver Lake has got an
access problem associated with it in that
access for any users is relatively
restricted to an access point via canoe or
boat rentals from the Silver Lake Lodge.

The other aside being that these
fish are stocked with sports anglers'
dollars, our license tables, and so, I don't
necessarily think that methods and means of
the gill net or some other sort would be
appropriate for those fish.

Thank you.

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MR. LOHSE: Any questions for
Charlie?

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I think that, you know, at this point in time, this proposal doesn't address efforts and means as much as it addresses C and T whether or not these communities have used the freshwater stocks in there, and I know what you're talking about when you talk about the lakes that are stocked. For one thing, about the time people start having the right to put gill nets in them they just quit stocking them, they're sport fishing dollars for that point. But that, I think was more used to show that people in the area use freshwater fish not specifically asking for those. I don't think specific lakes mention -- like Roy says, I don't think they're inclusive or exclusive lists of lakes. They're just representative of lakes that you know people have used.

So -- but -- now, would you go -- the number of surveys you said was what now? The project that's taking place?

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MR. SWANTON: FIS 01-110.

MR. LOHSE: FIS 01.

MR. SWANTON: That's harvest and use of the non-salmon species in the Copper River Basin.

MR. LOHSE: That's being done by --

MR. SWANTON: Federal --

MR. LOHSE: That's being done by the Federal, right. That's what I thought.

What is the completion date on that one?

MR. SWANTON: You're talking to the wrong hombre.

(Laughter.)

MR. LOHSE: Anybody out there have any ideas on that?

1 Eric, are you doing anything on
2 that one, FIS 01?

3 A SPEAKER: I'm not doing
4 anything; we are cooperating a little bit.

5 MR. LOHSE: At this point in
6 time, like I said, this isn't calling for
7 methods and means, this is calling for a C
8 and T, so....

9 MS. PETRIVELLI: Bill Simeone
10 said two years, when he gave the
11 presentation, but he is scheduled to give a
12 presentation later on in the agenda. The
13 preliminary presentation he said the adults
14 will be ready in two years.

15 MR. LOHSE: Thank you for the
16 Fish & Game.
17 Any other questions?

18 MR. EWAN: I do have a comment.
19 That -- waiting on the State Fish & Game to
20 finish its study or whatever it's doing
21 here, seems to me -- I mean, I can live with
22 that, but I don't like the idea of
23 determining C and T on this recent usage,
24 you know, recent method and so forth.

25 That's why I brought up the fact
that there's all kinds of Natives, my age,
grew up. We used all kinds of means and
many streams and many lakes in the Copper
River Basin that you probably don't know
about.

MR. LOHSE: Yeah, this is a
Federal study, not Fish & Game study. It's
the same thing. It still takes time.
Do you have any other things to
say?

MR. SWANTON: None.

MR. LOHSE: At this point in time
it should be awful close to a quarter to
12:00 -- it's close enough to quarter to
12:00.

Ann, you just got something.

1 MS. WILKINSON: Just for the
2 record, there are no written comments on
this proposal.

3 MR. LOHSE: Do we have any other
4 agency comments on this proposal? I can ask
that question right now?

5 Okay. So, in that case, what
6 we'll do is we'll go into public comments.

7 I don't have any -- we're not
8 going to do it now. We'll do it after
lunch.

9 I don't have any direct public
10 comments unless Gloria, you just have a
11 Southcentral fishing proposal. Do you want
12 to testify on this proposal right here?

13 MS. STICKWAN: No.

14 MR. LOHSE: We'll have public
15 comments after lunch. Gloria, you're first
16 in line, and we'll go from there.

17 At this point in time, we're
18 going to recess until -- can we make it back
19 by 1:00, or shall we go 1:15?

20 1:15, I heard. We're recessing
21 until 1:15.

22 (Lunch break.)

23 MR. LOHSE: We'll call this
24 meeting back to order. Ann is not here
25 right now, but we'll get started on where
we're at. We're on Proposal 13,
26 determination of freshwater fish on the
27 Copper River drainage, for the residents of
28 national parks and the national parks except
29 for Yakutat.

30 And we've had the introduction,
31 we've had the agency comments, Fish & Game,
32 and the written public comments, and public
33 testimony on it. So at this point in time
34 we're in order to have a motion to accept
35 the staff committee's recommendation of the
36 proposal as written, and I think we can find
37 that, if I remember right, on page -- staff
38 page recommendation was on page 50, if I
39 remember right -- 48.

40 We didn't have public testimony,
41 that's right, because we had Gloria first

1 thing on it.

2 MS. SWAN: It's on page --

3 MR. LOHSE: It's on page 48. As
4 usual, I jumped ahead.

5 Gloria?

6 Before we start, do you want to
7 speak to the proposals individually?

8 MS. STICKWAN: Individually. We
9 had a meeting with the eight Ahtna Village
10 representatives and we all agreed to support
11 the proposal of the staff recommendation for
12 fish as it was written.

13 MR. LOHSE: You support the
14 proposal as staff recommends?

15 MS. STICKWAN: Yes.

16 MR. LOHSE: Thank you.

17 Any questions for Gloria?

18 Okay.

19 Do you have a question for
20 Gloria?

21 Okay. With that, let's have a
22 motion, put it on the table.

23 I do have a motion --

24 MR. JOHN: I have a motion to put
25 this on the table.

26 MR. LOHSE: -- to accept the
27 recommendations of the staff committee,
28 Proposal 15.

29 MS. SWAN: Second.

30 MR. LOHSE: Second.

31 It's been moved and seconded.

32 Now, it's open for discussion.

33 Comments? Questions?

34 Anybody want to ask anything?

35 Pretty straightforward proposal.

36 MR. ELVSASS: Yeah.

37 Don't everybody yell at once.

38 I followed with the evidence that
39 was presented. It's a fairly

1 straightforward proposal.

2 Man, I can support it the way it
is, that's what I'll say.

3 MS. SWAN: Question.

4 MR. LOHSE: Question has been
called.

5 Hearing no further discussion,
all in favor of the proposal as recommended
6 by the staff committee on Proposal 15,
signify by saying "aye."

7 COUNCIL MEMBERS: Aye.

8 MR. LOHSE: All opposed, signify
9 by saying "nay."

Motion carries.

10 With that, we go on to Proposal
16.

11 Proposal 16 requests a C and T
determination for salmon in the Chitina
12 subdistrict of the Upper Copper District for
residents of the 15 communities and those
13 individuals that live along the Alaska
Highway from the Canadian border to Dot
14 Lake, along the Tok cutoff from Tok to
Mentasta Pass, and along the Nabesna Road.
15 We'll have an introduction by Pat on that.

16 MS. PETRIVELLI: On Proposal 16
it was submitted by the Subsistence Resource
17 Commission for the Wrangell-St. Elias
National Park and as the Chairman mentioned,
18 it requested the positive customary and
traditional use determination for salmon in
19 the Chitina of the Upper Copper River of the
communities, and these communities are
20 listed on page 74 of the analysis.

The current C and T
21 determinations will -- originally there were
no customary and traditional use
22 determinations for salmon in the Chitina
subdistrict because we -- the Federal
23 program adopted the regulations based upon
State regulations. And in October of '99
24 there was no subsistence determinations
within the Chitina District. It was a
25 personal use fishery by the State. And the
State later changed that determination, and

1 the Federal Subsistence Board made a
2 subsistence determination last October for
3 the eight communities that currently have a
4 positive customary and traditional
5 determination.

6 The Federal waters involved in
7 the area are with the Chugach National
8 Forest, with the Glennallen Subdistrict, and
9 BLM jurisdiction for the Gulkana Wild and
10 Scenic River but the actual Chitina District
11 is a portion -- the Copper River from Healy
12 Creek to the Chitina River Bridge and that's
13 shown on page 72 of the proposal, the actual
14 boundaries of the Chitina subdistrict.

15 For the communities that are
16 requested, the characteristics are on page
17 74, and the communities requested are a
18 mixture of Upper Tanana traditional
19 communities and then other communities that
20 were settled in the early half of this
21 century.

22 Most of those communities have
23 been surveyed by ADF&G except for Healy Lake
24 and as stated for the last proposal
25 analysis, testimony has been that the
26 subsistence use of resources by Healy Lake
27 is very similar to the other Upper Tanana
28 and traditional communities that were
29 studied in 1987.

30 ADF&G did household surveys for
31 the remaining communities and also in 197 --
32 1987 and 1982 and in earlier studies. In
33 the most recent studies, what it showed is
34 that their level of use of salmon ranged
35 from 1 percent, the lowest use in Tetlin to
36 57 percent, salmon making up the per capita
37 pound usage.

38 And, of course, the closer a
39 community was to the Copper River, the
40 higher the level of use of salmon occurred.
41 Those statistics are on Table 2 on page 76.
42 All the communities requested for where
43 there was survey data, the lowest estimated
44 household use for subsistence resources in
45 general was 91.7, ranging to 100 percent.

46 Salmon is the -- a primary source
47 of -- is a primary resource used by all the
48 communities, and the evidence of use of
49 salmon in these communities, the Ahtna use,
50 archaeologically and the Upper Tanana uses

1 show them traveling down to use the resource
2 directly or trading with communities, the
3 Copper River communities.

4 One thing that's affected the use
5 of the Chitina Subdistrict itself is the
6 access of the area from -- by the rest of
7 the state through road access. The Chitina
8 Subdistrict was created in 1977 mainly to
9 regulate the increasing use from outside
10 residents and the State limited it to dipnet
11 only eventually, and Glennallen became
12 dipnet and fish wheel as an attempt to
13 monitor the use of -- and mitigate the
14 effects of the increasing access. The level
15 of permit use or data of actual use of the
16 Chitina subdistrict is from the State
17 historic salmon harvest database and it
18 shows that the communities have used -- the
19 communities requested had been issued
20 permits except for -- well, that table is on
21 page 80, and there's some communities
22 Tazlina, Chisana, Lower Tonsina, Tonsina,
23 and Tok cutoff which weren't issued permits
24 but they probably were lumped in with
25 another community that had a Post Office or
in the case of Chisana their evidence of use
was through sharing or receiving the
resource in other ways.

15 But the data shows that someone
16 in the community has received a permit.

17 Of course, the estimated
18 community harvest of salmon is in the far
19 right-hand column and it shows a much higher
20 level, that based on permitting it is for a
21 different year than the permits so it either
22 means that the use was leveled off and
23 permits were issued or that the use -- the
24 permitting system doesn't reflect the actual
25 use of salmon in these communities.

1 With the restriction of gear
2 type, most of the use of salmon by Copper
3 River communities or those requesting has
4 occurred in the Glennallen Subdistrict but
5 the permanent data does show that people
6 have gotten Chitina dipnet permits which
7 would be the personal use column, the very
8 far left column up, except there's a few
9 communities there that didn't get it. They
10 more than likely would have received it
11 through sharing or other means.

1 And the patterns of handling and
2 preparing fish is -- with salmon is the
3 traditional needs, of course, are drying,
4 smoking, boiling, mixing with berries and
5 fermenting, and current uses -- current
6 methods of preparing salmon are making
7 strips, drying, smoking, canning, freezing,
8 pickling and vacuum-packing. And these
9 methods occur throughout all the communities
10 that have requested use, and the use
11 patterns are either with, as mentioned,
12 dipnetting or -- it's dipnetting is all that
13 was allowed since 1988.

14 And there is data showing sharing
15 of the resource and then the variety of
16 uses -- the diversity of uses used -- for
17 the diversity of uses in the communities, it
18 ranged from 6.7 number of different uses to
19 16.6 in Chisana, those tables reflect some
20 of it.

21 In the Upper Tanana communities,
22 it ranges from 7.9 to 11.9 different
23 resources used.

24 So, with this proposal, the
25 preliminary conclusion is just to support
the proposal as requested by adding the
number of communities to the Chitina
Subdistrict. On page 86.

MR. LOHSE: Okay. Any questions
of Pat?

MR. EWAN: I didn't have time to
read all this information, a lot of
information to read, but we're talking
about, say about -- it says here less than 1
percent of the people that would qualify
filed? That's what we're talking about? It
says on page 79 it says there were 72
permits issued, 54 are from upper -- are
those the people we're talking about, 54?

MS. PETRIVELLI: Some of them.

MR. EWAN: I just want an idea.
We're not talking about opening it up to
everybody?

MS. PETRIVELLI: Under the State
regulations, anyone living in the state can

1 go get a State subsistence permit for
2 Chitina, under the Federal regulations.
3 Based on past permitting data, less than 1
4 percent were residents of the Copper River
5 Basin. So, between 1988 to 1999, according
6 to the permit records -- actually, it's just
7 for the -- less than -- on average, less
8 than 1 percent for Copper River Basin
9 residents.

10
11 MR. EWAN: Those are the people
12 we're talking about?

13
14 MS. PETRIVELLI: That's just the
15 Copper River Basin residents. This request
16 also includes the Upper Tanana Traditional
17 Council, and I guess what their average
18 permanent use, well, for Tanacross is like
19 two permits a year.

20
21 MR. EWAN: You've answered my
22 question.

23
24 MS. PETRIVELLI: Yeah.

25
26 MR. LOHSE: So, if I understand
27 right, what this proposal is doing is
28 expanding the communities that are eligible
29 to have subsistence permits in the Chitina
30 Subdistrict?

31
32 MS. PETRIVELLI: Yes, in the
33 Federal subsistence program. It would
34 include all the residence zoned communities
35 of the Wrangell-St. Elias including
36 Cantwell, except for Yakutat.

37
38 MR. ELVSASS: It seems to me that
39 Chitina Subdistrict is a fairly small area
40 when you consider the Copper River as a
41 whole. I'm wondering why are these
42 districts -- I mean, it's just Federal
43 mandated area or is this following the State
44 regulations? Why do we have the different
45 districts?

46
47 It seems to me -- and I'm not
48 that familiar, I'd have to defer to you
49 fellows here. In the Copper River, if
50 you're going to go fishing with a dipnet or
51 net or fishwheel or whatever, you're going

1 to find a place on the river that you like
2 to fish, and when you look at the Chitina
3 Subdistrict, it's an awful small area for
4 the amount of communities we're talking
5 about clear on up to the highway, Alaska
6 Highway.

7 Wouldn't we be better to look at
8 the river as a whole rather than just a
9 small portion?

10 I mean, you know, there's no
11 question in our mind, at least I hope there
12 isn't -- that people that live along the
13 Copper River use the salmon. Why don't we
14 address the river as a whole rather than,
15 say, from Healy Creek, north, because every
16 bit of that river is used for subsistence
17 purposes. It's just a question --

18 MR. LOHSE: I think I can answer
19 that, Fred.

20 The Upper Copper, all these
21 communities have access from Chitina north.

22 What we're basically doing is turning the
23 river into a whole -- with Federal
24 subsistence we'd take away the Chitina
25 boundary, from Healy Creek to the upper
26 boundary would have one set of communities
27 that are accessible to it.

28 Currently, the reason the Chitina
29 subdistrict is there, like it says, the

30 State put that in to have a place to put
31 personal use fishery.

32 Then the personal use fishery has
33 now been changed to a State subsistence
34 fishery. There is no Federal subsistence
35 fishery in that area at this point in time.

36 Yes, there is, I stand corrected. We passed
37 to have a Federal subsistence area and we
38 limited it to the communities that are in
39 italics right here.

40 MS. PETRIVELLI: Except for --
41 well, there is no -- there is no season.
42 The next proposal will discuss --

43 MR. LOHSE: There's no bag limit.

44 MS. PETRIVELLI: There is
45 differing C and Ts for the two subdistricts.
46 That's why that district is there.

1 MR. ELVSASS: So the district was
2 established by the State, then, for the
3 State purpose?

4 MR. LOHSE: Right.

5 MS. SWAN: The second
6 subdistrict -- is that what you're talking
7 about?

8 MR. LOHSE: Yeah, subdistrict.

9 MR. EWAN: Mr. Chairman, I was
10 going to add to what you said, and that's, I
11 guess the National Parks are expanding the
12 residents north to include the small portion
13 you're talking about.

14 I guess -- is that my
15 understanding?

16 MS. PETRIVELLI: Well, I think
17 the whole park is part of the residence, but
18 they did it so it's Federal waters of the
19 park includes all the waters within the
20 exterior boundaries of the
21 Wrangell-St. Elias National Park and the
22 inland waters adjacent to these exterior
23 boundaries, so the Copper River is included
24 in the -- within the Federal waters of the
25 Park.

26 But in the next proposal --

27 MR. JOHN: I like how it's
28 written.

29 MR. LOHSE: You like how it's
30 written?

31 MR. JOHN: Yeah, but I see that
32 we -- we can have fishing down there,
33 traditionally?

34 MS. PETRIVELLI: That's addressed
35 in the next proposal. This just deals with
36 the C and T issues in the area --

37 MR. JOHN: Like back in the '60s,
38 I used to fish there by Blind Creek. It's
39 traditionally been used as a fishery there.

1 MR. LOHSE: Any other comment on
this thing?

2 How do you feel about adding all
these other communities to that district?
3 Currently the communities that have it are
Cantwell, Chitina, Upper Copper, Gakona,
4 Gulkana, Kenny Lake, Chitina, McCarthy,
Mentasta Lake, and Tazlina. What we're
5 doing now is we're adding Gakona Junction,
Glennallen, Nabesna, Tok, Dot Lake,
6 Tanacross, Healy Lake, and those individuals
who live along the Tok Cutoff and Mentasta
7 Pass. They're a part of our residence zoned
community with Wrangell-St. Elias.
8

 MR. EWAN: I personally don't
9 have any opposition to that. I have an
opposition to more people coming in the area
10 to use the resource. It will affect the
local people, the real local people, people
11 that live in that area. Other than that,
you can't deny people that qualify. It
12 might be that they qualify under National
Parks Service community as a traditional
13 community.

14 MR. LOHSE: So, do we have any
other discussion on it?

15 Any comments?
If we don't, the question is in
16 order.

17 MR. ELVSASS: Question.

18 MR. LOHSE: What we are doing
is --

19 MS. PETRIVELLI: ADF&G --

20 MR. LOHSE: Do you mean, I didn't
21 go through that again? We went through all
of that prior to --

22 MS. SWAN: We didn't do --

23 MR. LOHSE: On 16. My fault.
24 Oh, boy. We don't even have a motion on the
table.

25 Alaska Department of Fish & Game comments --
keep this up, we're going to have it done by

1 5:00 o'clock tonight.

2 MR. SWANTON: Comments will be
3 provided after reviewing staff analysis on
4 the eight factors, this proposal would
5 revise customary and traditional use for the
6 Chitina Subdistrict. We thought the
7 communities added to the list should be
8 thoroughly analyzed according to the eight
9 factors and a long-term consistent pattern
10 of use of salmon stocks in the Chitina
11 Subdistrict is demonstrated as a community
12 pattern.

13 The regular issuing of a few dip
14 net personal use permits by itself is not
15 sufficient evidence.

16 Thank you, Mr. Chairman.

17 MR. LOHSE: Any questions?

18 MR. ELVSASS: Well, you know,
19 listening to the comments, the State
20 established a subsistence fishery,
21 especially for personal use because of the
22 ANILCA provisions and what the Federal
23 Subsistence Board was doing.

24 So the State must recognize that
25 there was a use and something was happening.

26 I can't imagine deferring now to
27 do another study. It doesn't make sense to
28 me. I couldn't support the State's position
29 on this. There's no question that the use
30 is there and I wouldn't want another study,
31 I guess.

32 He wants the study. I'm just
33 making the comment that --

34 MR. SWANTON: I made no mention
35 of the study. I'm going to add that in Tab
36 I of your handout on page 13, there's a
37 historical summary of regulations in the
38 Copper River personal use subsistence
39 fisheries that walks through all of the
40 chronological things that have taken place,
41 and it's a real good contrast for you in
42 terms of understanding what took place and
43 why at various points in time. That same
44 document is in there that has data and
45 graphs and whatnot pertaining to the
46 proposals from this point forward. That may

1 be an area where you might be able to take a
look at it. A little clarity.

2 Thank you, Mr. Chairman.

3 MR. LOHSE: Thank you.

4 MR. EWAN: Mr. Chairman, I was
just wondering -- I have a comment -- I was
5 wondering, you were asking Council to hold
off acting on this -- is there a possibility
6 that you might want to disagree down the
road somewhere with the Wrangell/St. Elias
7 National Parks Resource issue? I'm basing
my comments on the fact that the Council,
8 the Commission, rather, Wrangell/St. Elias
National Parks Subsistence Resource -- I
9 think it is, they really want to add these
to these resident zones. They agreed --
10 seems to me like we have full argument to
deny them subsistence use. I just wanted --
11 wondered why -- if they consider it in the
past by their actions to add these in this,
12 do you agree with me? It seems to me, we
have two arguments here to not do it.

13 MR. SWANTON: I believe what the
14 comment said was that this would be
thoroughly analyzed according to the eight
15 factors and the long-term patterns of the
salmon stocks in the Chitina Subdivision
16 would be regulated and the regulation of the
personal use permits by itself is not
17 sufficient for that purpose.

So, I don't -- I'm not schooled
18 with regard to the eight criteria, how
they're gone through and how our service
19 goes through the determinations, what
information goes in besides the data, so I'm
20 not at odds with other people's view of this
information.

21 MS. SWAN: Mr. Chairman?

22 MR. LOHSE: Yes.

23 MS. SWAN: In your comments,
24 there in the second paragraph, what's the
difference between a long-term consistent
25 pattern of use of salmon stocks and then in
the other justification that says data from

1 the -- from -- data from the ADF&G
2 subsistence division says that while
3 permanent data -- permit data failed to
4 detail a significant -- they do detail
5 significant persistent -- what's the
6 difference between that, and the consistent
7 pattern -- I mean the two phrases? What is
8 that?

9 MR. SWANTON: Can you ask that
10 again, please? I think what you're asking
11 is the difference between uses and long-term
12 pattern of uses?

13 MS. SWAN: Yeah, this has
14 community pattern and then you use
15 consistent pattern. What's the difference?
16 I guess I'm just sort of clarifying what
17 Mr. Ewan was asking. I don't understand
18 that. I don't even know why we have to
19 analyze, you know, what do you hope to get?
20 What does that mean, consistent
21 participation and community pattern? I
22 think those sound pretty much the same to me
23 in this context.

24 MR. SWANTON: Consistent to me
25 would be year in year out. And I think that
26 with some of this data -- I'm not -- believe
27 me, I'm not an expert on this data yet, I'm
28 kind of winging it in terms of this thing.
29 But I would say a consistent pattern would
30 be somebody where you would have ten
31 households or something like that
32 participating year in and year out, without
33 gaps, I think what some of that is alluding
34 to is there is some gaps in the data with
35 regard to certain individuals or numbers of
36 individuals from certain communities
37 consistently going and using that resource
38 year in and year out.

39 Does that make sense?

40 MR. ELVSASS: Do you mean year
41 after year, year in and year out all year
42 long? The fish are only there for a while.

43 MR. SWANTON: Every year.

44 MR. LOHSE: The other thing,

1 though, remember we have to take into
2 account interruptions caused by regulations
3 and other pressure too, and there's a lot of
4 these communities like Fred John was saying,
5 you know, after things changed, they didn't
6 come there anymore.

7 There's a lot of people I know
8 that don't fish in the Chitina Subdistrict
9 because there's 7 to 10,000 dip net permits
10 in the Chitina Subdistrict and if you get
11 your subsistence someplace else you're not
12 going to Chitina Subdistrict. That's an
13 interruption that's beyond your control.

14 So, the fact that we haven't got
15 permits, you know, right now, we have to
16 look at it with what would -- would the
17 consistent pattern be there if we didn't
18 have these other outside forces, you know,
19 would the consistent pattern have been
20 there -- was the consistent pattern there
21 before these things changed it, because the
22 fact that somebody doesn't go get a personal
23 use permit could just mean that they can't
24 stand going there fishing where all the
25 personal use fishermen are fishing.

1 MR. SWANTON: I can certainly
2 understand that.

3 MR. LOHSE: Anyhow -- but to me,
4 I know what Clare is trying to say, if a
5 community has a pattern of using it, if
6 that's a community pattern, then it's pretty
7 hard to distinguish between a community
8 pattern and a consistent pattern because if
9 it wasn't consistent outside of other
10 interruptions, it wouldn't be a community
11 pattern, because a community pattern is
12 going beyond individuals. It's going to a
13 larger sociological group.

14 But we're not putting you on the
15 spot for that. She was just asking you the
16 question. We realize you were giving us
17 what Fish & Game's position on it was, I see
18 it says they're neutral. From the
19 standpoint of neutral, they're also saying
20 it wouldn't be hurt to get more data.

21 MR. SWANTON: We're cautious with
22 the data that we have.

1 MR. LOHSE: Any other questions
2 you can ask Charlie to put him on the spot?

3 MS. SWAN: I didn't mean to do
4 that, I just -- you know, I mean I just
5 didn't -- I was trying to get the intent of
6 this. I guess, if you're reading it, it's
7 different from when you were writing it.

8 MR. SWANTON: There's a little
9 lapse of about three months in time, and you
10 weren't putting me on the spot by any
11 stretch. If this keeps up, I might watch
12 it, you keep ignoring my comments.

13 (Laughter.)

14 MR. LOHSE: Are there any
15 advisory committees that wish to speak?

16 MS. WILKINSON: Summary of
17 written comments.

18 There were no written comments on
19 Proposal 16.

20 MR. LOHSE: Okay.
21 We have two people that have
22 asked to speak on it, Wilson Justin and
23 Gloria Stickwan. Is Wilson here?

24 MR. JUSTIN: Thank you. You
25 didn't hear the comment that was given to me
as I came up here, did you?

MR. LOHSE: No.

MS. WILKINSON: "Give them hell."

MR. LOHSE: Don't.

MR. JUSTIN: My name is Wilson
Justin. I was born in Nabesna, and I should
clarify for the record that historically
there were several Nabesnas, one by Northway
called Nabesna Village, then there was Ahtna
Region of Nabesna where I was born. There
is the old Village of Nabesna across the
river and six miles down from where I was
born. The designated village that I was

1 born in was actually part of the clan which
 2 is John Fred, Jr.'s clan also. In -- I'd
 3 like to go on record as being in support of
 4 Proposal 16. I'd like to speak to several
 5 of the reasons why.

6 First of all, understanding the
 7 concern that you're going to enlarge the
 8 impact on resource, we should remember the
 9 fact that a lot of these outlying villages,
 10 Northway, Tetlin, Tanana Cross, and Healy
 11 Lake, those villages share a long tradition
 12 and customs in the Ahtna Region and the
 13 upper Ahtna Region where I'm from. If
 14 you're talking about subsistence resources,
 15 the villages have every right to the
 16 subsistence as we do because of the fact
 17 we're all basically the same entity in terms
 18 of Tribal entities. There are historically
 19 noted to be 8 to 11 clans that share the
 20 Copper River, and these -- this area that
 21 we're looking at in terms of zoned
 22 communities are part of those plans. I
 23 would be the last person to say "no" to that
 24 kind of a tradition and that kind of a
 25 custom.

Another reason that I support, by
 I -- I should also mention that I work for
 Mount Sanford Tribal Consortium, and I do
 all the subsistence activities for that
 particular consortium. I'm also a Council
 member in the Chitina Tribal Consortium. I
 have a lot of say over the subsistence
 there.

Another reason why I or we
 support the proposal is not so much the fact
 that we think it's a good idea or great idea
 or we have any particular bias. The primary
 reason we support the proposal that -- the C
 and T proposals should have been made at the
 beginning of the process. It never was for
 that district. C and T determinations
 should have been imposed on the entire
 river. I think had that happened in a
 logical order, we would not have to go
 through this tremendous amount of political
 fighting that we do on Dipnetters
 Association and the rest of those groups
 that we have to contend with.

I remember in 1977 when this
 particular subdistrict was formed. It was

1 formed over the objections of Ahtna,
 2 Incorporated and several villages up there.
 3 Because we said there were no customary
 4 trade practices for the individuals who are
 5 getting dipnetting status. All the
 6 dipnetting that occurred in the Copper River
 7 had occurred only in terms of Native users,
 8 no one else.

9 I also remember when the Fish &
 10 Game Board made the decision that fishery
 11 use had stopped on the Chitina River
 12 below -- I believe it was O'Brien Creek and
 13 I made a comment then, subsequently I
 14 followed up in a letter last spring to the
 15 Department of Fish & Game that fish use
 16 didn't stop. It was chased out. The impact
 17 by dipnetters was so great that fisheries
 18 users quit going down there and there's a
 19 reflection on the comment that was made
 20 earlier by the Chair that people like myself
 21 who have historical ties to those fish
 22 resources would not go in there and fish
 23 next to personal users on that river. It's
 24 too crowded. It's too much friction, too
 25 much bad blood. I wouldn't want to be at a
 26 campfire with a couple of guys that hated
 27 everything I stood for, everything I spoke
 28 of, everything I support. I think I would
 29 not hang down there and be down there with
 30 those people. 20 years ago, I could have
 31 when I could swim a pretty good hand. Not
 32 now.

33 The third reason I would support
 34 this proposal is the very fact that as a
 35 Tribal group, anytime that the question
 36 comes up in terms of use and access to the
 37 resources on the river, we support it
 38 because we know what the Fish & Game is
 39 going to say. Fish & Game is going to say,
 40 "Let's not do that now; let's analyze it
 41 first." But you know when the Dipnetters
 42 Association and the rest of the sports group
 43 was allowed to come in and dipnet there was
 44 no call for analysis. There was no call by
 45 the Fish & Game to say stop, we're going to
 46 pass. What's fair here? We would support
 47 this proposal without ever looking at any
 48 other issue just based on the fact that when
 49 we have the C and T proposal, Fish & Game
 50 always comes up and says let's analyze the

1 user groups, put them under a microscope,
make them prove they have ties.

2 But no other group has to do
that. The biggest problem that we've always
3 had in terms of C and T determinations, we
always have to prove our contacts and our
4 ties.

5 Having said that, I thank the
organization for the opportunity to comment,
and I welcome any questions.

6

7 MR. LOHSE: Questions?

8

9 Thank you. You said it well.

10

11 MR. EWAN: Did you set back for
a -- do you see this as opening it back up
to fishwheels? To that subdistrict we're
12 talking about?

13

14 MR. JUSTIN: I think it's a
necessary step if you ever want to deal with
that question, and I think that I support
the idea that fishwheels should have always
15 been opened down there. It was always a
political issue. But if we're ever going to
have fishwheels, C and T determination has
to be developed first.

16

17 MR. EWAN: If we act favorably,
then you see this as a possibility?

18

19 MR. JUSTIN: Yes. Absolutely.

20

21 MR. LOHSE: Any other questions
for Wilson?

22

23 Thank you.

24

25 MR. JUSTIN: Thank you.
Gloria?

26

27 MS. STICKWAN: We reconsidered
our positions -- my name is Gloria of the
Copper River Native Association. We
consolidate villages and we consider our
position which is eight villages in the past
and we decided to review all of them as
staff committee has recommended. We based
that on our -- the study that were done and
the testimonies that were given by --

1 related to wildlife studies. They included
2 24 communities and so based on that, we said
3 we would reconsider and change our position
4 to include all these communities, and in
5 that too, these people may be included in
6 here. There are other problems, relating to
7 the fish, because a lot of it is private
8 land and access to the river is difficult,
9 impossible because there's no road access
back there. So it's going to be limited to
our people in the Copper Basin unless there
are roads built to the Copper River. Many
of these people have not been able to fish
there. They have to get permission from
Ahtna to go back there. They have to go to
the State of Alaska. We support it. We
changed our position and included it --

10 MR. LOHSE: You support it, but
11 you recognize the problems of access?

12 MS. STICKWAN: Yes.

13 MR. LOHSE: Any questions for
Gloria?

14 MR. JOHN: That area, you support
15 all the other communities, did you say that?

16 MS. STICKWAN: We support staff
committee's recommendation.

17 MR. EWAN: Let me ask the same
18 question I asked Wilson. Do you see this,
19 if we pass this, as fishwheels being allowed
in that subdistrict?

20 MS. STICKWAN: Yes, we would like
21 to see traditional use in that area because
it was used historically by Ahtna. It's
22 historical Ahtna/Chitina Subdistrict is
Chitina people, historical.

23 MR. EWAN: Your answer is "yes"?

24 MS. STICKWAN: Yeah, we support
the staff committee.

25 MR. LOHSE: Gloria -- any other
questions from Gloria?

1 One other person that wishes to
testify. Joseph Hart.

2 MR. HART: Thank you.

3 My name is Joseph Hart. I'm here
on behalf of Chitina Native Corporation. I
4 deal with this issue of the fisheries on a
regular basis. I'm also the land and
5 resource manager for Ahtna, Incorporated and
work with -- talked with Charlie Swanton on
6 this several times and his supervisor,
McManard.

7 On behalf of Chitina Native
Corporation we would support this, but we
8 would want to ensure you send a clear
message to the State Board of Fish on how
9 this is viewed. It's not subsistence for
everyone that comes to use that fishery,
10 it's just for these resident-zoned
communities. At their last Board of Fish
11 meeting they misinterpreted the message or
the intent of giving C and T to the area.

12 We were -- there was a request to reverse
the Proposal 44, to change that to personal
13 use from subsistence, and the Board of Fish
said why would we want to go against what
14 the Federal Subsistence Board is saying?
Your own people are requesting that this be
15 considered subsistence. It's not
subsistence for everyone. It's subsistence
16 for the resident-zoned communities not for
the entire State of Alaska. We'd like to
17 make sure that that statement is sent to the
Board of Fish. If you do, we support it so
18 long as that is a clear statement.

 And as far as fishwheels in the
19 Chitina Subdistrict, right now there's a
petition in to the State of Alaska by Stan
20 Bloom from the Chitina Dipnet Association
requesting that the State Board of Fish take
21 action to reinstate fishwheels within the
Chitina Subdistrict. That brings up several
22 issues as far as public access. Like you
heard Gloria say, there is very limited
23 public lands available for people to put
fishwheels down. Not within the Chitina
24 Subdistrict. The distinguishment there is
the bridge, downstream from the bridge that
25 you cross to go to McCarthy, right there is
the Chitina Subdistrict, upstream from there

1 is the Glennallen. There's plenty of space
there for the public -- fish wheels.
2 Downstream from the bridge there is very
limited places that a fishwheel could be
3 placed without impacting or trespassing on
Ahtna or Chitina lands. With that, if we
4 were going to reinstate this, I think that
might be something to consider is putting a
5 limitation for dipnetting and not fishwheels
or look at some kind of a change in the
6 future that distinguishes or makes sure that
we only have the residents zoned to be able
7 to do that. Then they have to have some
type of agreement with the private property
8 owners to place the fishwheels, some kind of
checks and balances also. That's all I
9 have.

10 MR. LOHSE: Any questions?
I ran into the same thing as Fish
11 Board that they misinterpreted, I think, on
purpose the intent of the proposal, gave
12 subsistence to eight villages in the areas,
and I don't think that we're capable of
13 putting -- we're not capable of putting
those kind of real distributions on the
14 State because the only time ours comes into
effect is if there is an 804 situation. And
15 so even -- I mean if the State would decide
to allow fishwheels there, there's nothing
16 that we can pass against it unless there was
an 804 situation that we could limit it to
17 Federally- qualified users only. And so,
you know -- but I think the State has to be
18 cognizant of the trespass issue.

Now whether or not they'll take
19 that into account, you know, is a good
question. I don't know how we could --
20 there's nothing we could add to this
proposal to put that in, but I think you're
21 correct that what we need to do is we
definitely need to make sure that there's an
22 understanding given to the State that this
is not in concurrence with the action that
23 they took. It's actually in opposition to
the action that they took. Because that was
24 where they misinterpreted it last time.

Any other questions?

25

MR. EWAN: Mr. Chairman, I feel

1 badly about -- for the local people. I
2 mean, really, I guess the big deal was the
3 fishwheel, right? Right now. There's some
of our local people there that want to do a
lot of dipnetting.

4 MR. HART: I couldn't answer
5 that.

6 MR. EWAN: Which they can.

7 MR. HART: They can dipnet in
8 either one the way this proposal is written.
9 They would be able to go to either
subdistrict and do their dipnetting or from
my understanding they would be able to get a
fishwheel and be able to do that.

10 MS. PETRIVELLI: That's Proposal
11 17. This is C and T for 16.

12 MR. LOHSE: This doesn't deal
13 with methods and means.

14 MR. EWAN: I'm more broad than
15 that, I want to get the idea --

16 MR. LOHSE: I was going to ask
17 Joseph too, maybe I'm putting you on the
18 spot and if somebody else wants to answer
19 the question, too, that's totally
acceptable.

20 Is this -- is this more of an
21 interest in establishing priority or is this
22 more of an interest in establishing
23 fishwheel access? I mean, what this does,
24 this proposal doesn't give fishwheel access.
25 What this proposal does is give us priority
in case of an 804 situation, basically what
it says is the Chitina Subdistrict is
then -- 804 applies to the Chitina
Subdistrict because there's a C and T for
Federally-qualified subsistence users. It
doesn't address issues like methods or means
or gear or anything like that.

Is the interest in the priority,
which basically says if there's a shortage
of fish, these users have the priorities for
the fish, or is the interest in changing --
like Roy says, is the interest in changing

1 the methods and means to allow fishwheels in
2 an area where currently there is only
dipnetting.

3 MR. HART: Since I didn't
4 introduce the proposal, it would be only my
5 opinion on that. I believe it would be to
6 get the priority. The methods and means,
7 the regulations are already clear on how you
can do that, taking of the resource.

8 I would believe that right now at
9 this proposal is to get a priority during
10 the time.

11 MR. LOHSE: From the other
12 testifiers, does that kind of concur?
13 Gloria?
14 Eric?

15 MR. VEACH: Mr. Chairman, Eric
16 Veach, with St. Elias National Park. I may
17 be able to give you a little bit of a
18 summary of differences between the two
19 fisheries in Glennallen Subdistrict. I
20 think that would clarify your question here.
21 Let me first explain in the Upper Copper
22 River District, Glennallen Subdistrict, and
23 Chitina Subdistrict, users are forced to
24 choose. There's only one permit under the
25 current regulations, so they have to choose
between the Glennallen Subdistrict
subsistence or Chitina Subdistrict
subsistence. With the Chitina subsistence
you can basically harvest 30 fish per
household. Under the Glennallen
subsistence, you could harvest up to 500
fish. You're only allowed to keep one
chinook -- if you're a fishwheel, you can
keep 500 chinooks, as part of the total bag
limit.

26 Another difference is the Chitina
27 subdistrict opens and closes in response to
28 sonar counts. It can kind of open and
29 close, I don't want to say randomly -- to
30 some users, fairly randomly throughout the
31 season; the Glennallen is basically open
32 from May 15 through December 30th so you can
33 see if you're a local user and have the
34 option to fish, the more. The regulations
35 are much more liberal in the Glennallen

1 Subdistrict. You can harvest more fish; you
2 can probably fish longer; and you can use a
3 fishwheel. That may be some of the reasons
4 why there is not so much of a use in the
5 Chitina in the past, because the regulations
6 are so much more liberal in the Glennallen
7 Subdistrict.

8 MR. LOHSE: Everybody understand
9 that?

10 MR. ELVSASS: Yeah.

11 MR. LOHSE: We kind of had that
12 idea. I think what Roy was asking us, he
13 was trying to get at what was the intent of
14 the people putting the proposal in. I
15 always thought the intent was to have
16 priority. Maybe the intent was to change
17 the means.

18 MR. EWAN: The reason I bring up
19 fishwheel, traditionally, that's -- I guess
20 the better way for our Native people to fish
21 up in that area anyway, although we did do
22 dipnetting. I know the people have done
23 it -- fishwheels is very traditional in the
24 Copper River. That was the way to go. I
25 want to be sure that they're allowed to do
that down there if you're opening up.
That's my question, really. Whether the
fishwheels -- you know -- I understand now,
since this last gentleman commented.

MR. LOHSE: This is a priority
proposal.

Any other discussion?

MR. ELVSASS: I have a question.

MR. LOHSE: Yes, Fred.

MR. ELVSASS: You said Glennallen
is allowed 500 fish; in Chitina you're
allowed 30, maybe more if it's a good run.
Is this by State regulations?

MR. LOHSE: Uh-huh.

MR. ELVSASS: That's State?
Thank you.

1 MR. LOHSE: Okay. Any other
2 discussion?
3 No discussion, the question is in
4 order.
5 MR. ELVSASS: Is that all the
6 comments?
7 MS. LOHSE: We don't have a
8 motion -- we have all the comments. We
9 don't have a motion.
10 We did put a motion.
11 MR. JOHN: I'd like to -- I'd
12 like to make a motion to bring up -- is this
13 15 --
14 MR. LOHSE: 16.
15 MR. JOHN: 16 to the table,
16 discussion.
17 MR. LOHSE: As proposed by the
18 staff?
19 Motion is to accept Proposal 16
20 as proposed by the staff.
21 MR. JOHN: Yes.
22 MR. LOHSE: Second.
23 MR. ELVSASS: Second.
24 MR. LOHSE: Moved and seconded.
25 Now we can bring it up for
discussion. I thought I had jumped the gun
and done that before.
MR. EWAN: Mr. Chairman, comment.
I'm kind of in the dark about the impact
really one way or the other. I don't
know -- I know that one of the people that
testified here said that there probably
should be more dipnetters if we did this
from the local area. If we increased -- if
we opened it up and increased it to 500, as
it is in the Glennallen Subdistrict.
MR. LOHSE: This doesn't increase

1 it to anything. This doesn't change any bag
limits. It doesn't change any methods or
2 means. All this proposal does is establish
a priority. Proposal 17 goes on to that --
3 methods and means and bag limits.

I don't think -- somebody correct
4 me if I'm wrong. I don't think this changes
the Chitina Subdistrict.

5
MR. EWAN: My concern is there's
6 500 and whatever, there's a big difference
there. It's going to be about the same
7 pretty soon. We have to make them --

8 MR. LOHSE: Let me address that.
Devi?

9
MS. SHARP: Thank you,
10 Mr. Chairman, on behalf of the Wrangell-St.
Elias Subsistence Resource Commission. As I
11 recall, the purpose of this proposal was to
give the Federal rural -- local rural
12 priority to all the villages in the
resident- zoned communities of the park
13 because the communities are largely related.
You can't pick out one community from
14 another, and that's the reason why -- excuse
me, we added those four new communities, the
15 Upper Tanana communities. And in
recognition of the relationship of the
16 people and the historic relationship of the
people and the activities, the SRC decided
17 that all the resident-zoned communities
should have access to the Chitina
18 Subdistrict should there be a time of
shortage.

19
MR. LOHSE: I think the thing
20 that we have to keep separate here, Roy, is
this doesn't change any bag limits. This
21 doesn't change any methods and means.

But we have that opportunity to
22 do that under other regulations.

What this changes is who has the
23 priority. What it's doing is adding these
other communities to the priority list. So
24 in times of shortage, these people have
priority as Federally qualified subsistence
25 users over the State subsistence fishery
that takes place there right now. And

1 that's basically all this proposal does.

2 Now, if we want to add and change
3 the regulations to 500 and 500 later, or put
4 fishwheels on later, that can be done.

5 That's what we're going to have to look at,
6 the impact. At this point in time, all this
7 does is establishes a priority.

8 MR. EWAN: I'm all for it.

9 MR. LOHSE: Fred?

10 MR. JOHN: Yeah, I'd like to say
11 I support this proposal here because first
12 of all I want to thank the Chitina people
13 when they closed up Nabesna for the
14 fishwheel and Chitina people, the Chitina
15 people that were in Chitina, like in the
16 '60s, our village down there, can fish on
17 their land, so, I want to say thank you to
18 them right now.

19 But I thought about this Chitina
20 Subdistrict for a long time because we use
21 the fish down there when Chitina invited us
22 down there. We had our camp there. We
23 stayed there sometimes two months fishing;
24 and, you know, drying, making salmon strip,
25 drying fish and all. And there was a lot of
other -- I remember Suzy King and them,
pretty good places down there to put in
their fishwheel. It was a pretty rough
place, but it was hard work carrying those
salmon up. They -- it's good salmon,
fishwheel placed down there. Not as much as
the upper part.

So, for that reason, I'd like to
support this here.

MR. LOHSE: Any other comments or
discussion?

If not, the question is now in
order.

Do I hear a question?

MR. ELVSASS: Question.

MR. LOHSE: Question has been
called. All in favor of the proposed
regulation which reads: Residents of the
communities of Chisana, Chitina, Cantwell,

1 Chistochina, Copper Center, Dot Lake,
2 Gakona, Gakona Junction, Glennallen,
3 Gulkana, Healy Lake, Kenny Lake, Lower
4 Tonsina, McCarthy, Mentasta Lake, Nabesna,
5 Northway, Slana, Tanacross, Tazlina, Tetlin,
6 Tok, Tonsina, and those individuals that
7 live along the Tok cutoff from Tok to
8 Mentasta Pass, and along the Nabesna Road.

9 All in favor, signify by saying
10 "aye."

11 COUNCIL MEMBERS: Aye.

12 MR. LOHSE: All opposed, signify
13 by saying "nay."
14 Motion carries.

15 MR. LOHSE: Break time.
16 Get a glass of water.
17 You think that one was hot, the
18 next one gets hotter.

19 (Break.)

20 MR. LOHSE: Okay. We're on
21 Proposal 17(a) at this point in time --
22 17(b) --

23 MS. WILKINSON: No 17(a). 17(a).
24 We just finished 16 -- just finished 16.

25 We all need to speak in the
microphones. We're on Proposal 17(a).

MR. LOHSE: Okay. At this point
in time, we'll have an introduction by Pat
on 17(a).

MS. PETRIVELLI: Mr. Chairman,
and other members of the Council, 17 was
admitted -- submitted by the Wrangell-St.
Elias Subsistence Resource Commission, and
in the analysis, what 17 proposed to do was
establish the methods of use and seasons and
the bag limits for the Chitina Subdistrict,
and one of the provisions that they
requested was that the Chitina -- all those
eligible to fish in the Chitina Subdistrict
also be eligible to fish in the Glennallen
Subdistrict. And in the course of looking
at the analysis of those two C and T

1 determinations, we realized that there was
2 two communities with C and T in the Chitina
3 Subdistrict. Once Proposal 16 passed, which
4 just passed with your recommendation, which
5 you recommended should be passed, Cantwell
6 and Chitina -- Cantwell had C and T, Chitina
7 would have C and T. They would not have
8 customary and traditional for --

9 The proposal is split into an A
10 and B, and so I'm doing the A part, which is
11 the revision to revise the customary and
12 traditional use determinations for the
13 Glennallen District, which would add
14 Cantwell and Chitina to the villages to
15 fish -- Larry Buklis will address the B
16 portion which addresses methods and means.

17 So, for revision for the C and T
18 for the Chitina Subdistrict, of course, the
19 Chitina Subdistrict starts -- excuse me, the
20 Glennallen Subdistrict -- the Glennallen
21 Subdistrict starts immediately north of the
22 Chitina Subdistrict and goes to the
23 Glennallen, the districts are on page 45,
24 and then -- 95.

25 MR. JENNINGS: 95.

MS. PETRIVELLI: And on page 97
is the whole -- it should have -- I
apologize, it should have the boundaries for
the Prince William Sound area, actually
there's a bigger map, but there would be a
line that would exclude Cantwell and exclude
Chitina. Those are in drainages of other
rivers. But what that map does show is the
C and T determinations from Glennallen
Subdistricts are all the residents of the
Prince William Sound area, and that includes
Cordova, Tatitlek, and those communities are
listed actually on the bigger map. And then
last year, the Federal Subsistence Board
added Healy Lake, Dot Lake, Tanacross,
Northway, Tetlin, Tok, and those individuals
living along the Alaska Highway from the
Alaska/Canadian border to Dot Lake, along
the Tok Cutoff to Mentasta Pass, and along
the Nabesna Road. The Federal lands
involved are those in the Wrangell-St. Elias
National Park.

The two communities there being

1 proposed, Cantwell is an Ahtna traditional
 2 village, and Chisana was settled -- it was a
 3 traditional village, the present community
 4 was settled in conjunction with -- a mine
 5 was found near a traditional village that
 6 moved away; so, its history involves both
 7 mining and traditional culture.

8 Both, in looking at their -- they
 9 have both been surveyed by Fish & Game
 10 household surveys and the household surveys
 11 show that they -- their use of salmon --
 12 where their use of salmon is very similar.

13 The similarities lie in the distance from
 14 the Copper River. Cantwell's distance is
 15 miles, road miles just greater distance, but
 16 Chisana's distance is caused by lack of
 17 access. There's a rough road connecting
 18 Chisana and the Copper River; even though
 19 they're only 75 miles from the river, it
 20 takes them -- there's no direct road access.

21 But both 100 percent of the
 22 households use subsistence resources and the
 23 estimated per capita harvest is 112 pounds a
 24 year in Cantwell and 128 pounds a year in
 25 Chisana. The percentage of salmon use per
 capita is 6 percent in Cantwell and 3
 percent in Chisana.

Cantwell's ties to the Copper
 River are through kinship and trading ties
 with the Copper River communities. It would
 be an Ahtna traditional village. The other
 Ahtna traditional villages along the Copper
 River and Chisana residents documented in
 the National Park studies, every household
 received salmon from the Copper River as a
 gift in the year they did the study, 1982.

They -- the studies have
 documented that they use salmon the same as
 other residents use it, the methods also is
 fishwheels, dip nets and fishwheels.

And then for permit data, the --
 let's see. The permit data from the State
 shows consistent harvest of salmon since
 1960, and from the community level or by
 community, a total of 15 permits were issued
 in an 11-year period for Cantwell and for
 Chisana, there was no permit data because
 of -- possibly because of the -- household
 surveys do show that they used salmon. In
 the harvest of Cantwell is 975 pounds of

1 salmon in Cantwell -- that's for the whole
community in Chisana is 46 pounds of salmon.

2 And the levels of sharing is of a
3 similar nature in diversity of resources
used.

4 The different resources used in
Cantwell is 6.1 and Chisana is 16.6. So
5 they have a varied level of use, but it
still shows, and it could be Cantwell's
6 lower level of diversity of resources used
is because of its location on the road
system.

7 The preliminary conclusion is to
support the proposal to add Cantwell and
8 Chisana to the Glennallen Subdistrict for a
positive customary and traditional use of
9 salmon in the Glennallen Subdistrict.

10 MR. LOHSE: Thank you, Pat.

Do we have any questions for Pat?

11 Staff preliminary conclusion is
to add Cantwell and Chisana. That would
12 basically bring it in alignment with what we
just did with the Chitina Subdistrict.

13 Any other questions for Pat?

14 Okay. Alaska Department of Fish
& Game -- shall we take it as one whole
proposal or shall we split it in two?

15 No, let's take it as two
proposals or two sections because we're
16 going to find I think that the first section
is not so controversial, the second section
17 is going to take us a lot of work.

18 I have a request for public
testimony on the first section. So at this
time, Alaska Department of Fish & Game
19 comments on that.

20 MR. SWANTON: Mr. Chairman, for
the record my name is Charlie Swanton. I'm
21 with Alaska Department of Fish & Game.
Unfortunately, we did not split out proposal
22 17(a) and (b). So --

23 MR. LOHSE: Does a portion of
your comments speak to (a)?

24 MR. SWANTON: No.

25 MR. LOHSE: Okay. Well, in that

1 case, we'll save your comments for (b),
2 then.

3 MR. SWANTON: Sure.

4 MR. LOHSE: Any other agencies
5 have comments on 17(a)?
6 Fish & Game Advisory Committees
7 on 17(a).
8 Sorry, Charlie.
9 Written comments?

10 MS. WILKINSON: Mr. Chairman, the
11 only written comment was from the
12 Cordova District fishermen and since Sue
13 Aspelund is here and she's ready to speak,
14 I'll let her do that.

15 MR. LOHSE: Okay. At this point
16 in time, public testimony.
17 We have Sue Aspelund and we have
18 Gloria Stickwan.
19 Sue, would you like to speak,
20 first?

21 MS. ASPELUND: Thank you. I'm
22 Sue Aspelund representing Cordova Fishermen
23 United. When we submitted our written
24 comments back in June, this proposal was not
25 split out in two parts. We have no
opposition to Part A.
Thanks.

MR. LOHSE: Gloria?

MS. STICKWAN: We support the two
communities being added.

MR. LOHSE: Thank you, Gloria.
Okay. That takes care of the
public testimony.
Let's take a look at 17(a), which
basically adds the two communities of
Chisana and Cantwell and brings it into line
with what we just did with the Chitina
Subdistrict.
Do I have a motion to put 17(a)
on the table?

MR. JOHN: I'll move.

1 MS. SWAN: Seconded.

2

3 MR. LOHSE: It's been moved to
put 17(a) on the table as recommended by the
staff.

4 It's been seconded.
Do we need any discussion on
5 this?
Anybody have anything they'd like
6 to say on this?

7 MR. EWAN: I have a question.
That is probably in this written stuff here,
8 but -- that is are we talking about the
National Parks standpoint Wrangell-St. Elias
9 National Parks -- are we talking about
permitting the people from Cantwell to fish
10 over there? That's what we're talking
about, from their standpoint?

11 MR. LOHSE: Right.

12 MR. EWAN: It would be a permit
13 to the individuals?

14 MR. LOHSE: Right. The same as
what we did down in Chitina.

15 MR. EWAN: Uh-huh.

16 MR. LOHSE: Any other
17 discussions?
Question is in order.

18 MR. JOHN: Question.

19 MR. LOHSE: Question has been
20 called, all in favor of Proposal 17(a) as
proposed by the staff to include Chisana and
21 Cantwell in the customary and traditional
for the Upper Copper River District, signify
22 by saying "aye."

23 COUNCIL MEMBERS: Aye.

24 MR. LOHSE: Those opposed,
signify by saying "nay."
25 Motion carries.
Now, let's go on to 17(b).

1 Larry.

2 MR. BUKLIS: Mr. Chairman, my
3 name is Larry Buklis. I'm with the Office
4 of Subsistence Management. I'm a fishery
biologist, and I did the staff analysis for
17(b).

That can be found on page 104 of
5 your Council book. This is where we get
into harvest regulations for the Upper
6 Copper River District.

As Pat said, this proposal was
7 submitted by the Subsistence Resource
Commission for Wrangell-St. Elias National
8 Park and Preserve.

In terms of the harvest
9 regulations side, the B portion, the
proposal requests that a Federal subsistence
10 fishing season for salmon in the Chitina
Subdistrict be established that is identical
11 to the Federal season in the Glennallen
Subdistrict.

Secondly, the method of harvest
12 would be dip nets, fishwheels and rod and
13 reel. And more than one gear type could be
specified on the permit.

Third, separate permits would be
14 issued for the Chitina Subdistrict and the
15 Glennallen Subdistrict. However, those who
are Federally qualified users for both the
16 Glennallen Subdistrict and the Chitina
Subdistrict would be able to obtain a permit
17 for each subdistrict in the same year.

And fourth, the combined seasonal
18 harvest limit for permits issued for the
Upper Copper River District would be the
19 limit that's presently in place for the
Glennallen Subdistrict alone.

Mr. Chairman, this is a fairly
20 complicated proposal with a lot of features.

So my presentation is going to be fairly
21 lengthy, but I think that's important to
22 give you an understanding of the
interpretation of the proposal and
23 consequences of actions.

It should be noted that Proposal
24 20, which is next on your agenda for the
meeting today, also includes allowance for a
25 household to be issued subsistence fishing
permits on a per subdistrict basis rather

1 than one for the whole season. Proposal 20
2 would allow for the Batzulnetas fishery
3 permit holders to obtain permits in the
4 Upper Copper River District as well. We'll
5 get into that under Proposal 20. The
6 subsistence salmon fisheries in the Upper
7 Copper River are primarily targeted as
8 sockeye salmon, smaller numbers of coho and
9 chinook salmon are also taken. The current
10 state regulations provide for a subsistence
11 salmon fishery in the Glennallen Subdistrict
12 using fishwheels or Dip nets and in the
13 Chitina Subdistrict using dip nets only.

14 Under the State regulations,
15 Alaska residents may take salmon for
16 subsistence purposes in only one of these
17 two subdistricts in any one year.

18 So, they need to make a choice
19 between the Glennallen Subdistrict or the
20 Chitina Subdistrict.

21 Regulatory actions have had an
22 effect on the record of fishwheel use,
23 although historical fishwheel use was
24 primarily clustered in locations at and
25 above where the Chitina Bridge is -- and
where the Glennallen Subdistrict is,
fishwheels have also been used to a lesser
extent in what is now known as the Chitina
Subdistrict.

1 The combined effect of the
2 regulatory changes being proposed would be
3 to expand subsistence opportunity and
4 provide more flexibility for Federally
5 qualified users in terms of choosing the
6 subdistrict and the gear with which they
7 wanted to fish, both of which could be
8 changed within the same season.

9 Total subsistence take by
10 Federally qualified users would not be
11 expected to increase substantially since the
12 Federally qualified users for the Chitina
13 Subdistrict would essentially be only a
14 subset of those already qualified to fish in
15 the Glennallen subdistrict.

16 It is uncertain to what extent
17 effort may shift from the Glennallen
18 Subdistrict downriver to the Chitina
19 Subdistrict, but it is unlikely to be
20 substantial since local users in the
21 Glennallen Subdistrict primarily use

1 fishwheels and already have established
2 sites.

3 As proposed there would be some
4 lack of clarity in the regulations regarding
5 operation of multiple units of gear at any
6 one time. Also, enforcement of harvest
7 limits could be compromised if households
8 are issued permits for both subdivisions as
9 there is no requirement as proposed to have
10 both permits in your possession.

11 Modification of the proposal is
12 warranted to address these points. The
13 Chitina Subdistrict, as you know, is already
14 a heavily utilized State subsistence dip net
15 fishery. Access to effective sites for
16 fishwheel operation may be especially
17 limited. The potential exists for conflict
18 among and between gear operators.

19 The views of the Council on this
20 potential situation would be appreciated.

21 Under the proposed regulations
22 for the Chitina Subdistrict, the season
23 opening date would be two weeks earlier for
24 the Federal season than for the State
25 season.

Harvest limits would differ
between the Federal and State users and
Federal regulations would allow the use of
fishwheels and rod and reel with subsistence
take in addition to the dip nets allowed by
the State.

Federal regulations would allow
retention of up to five chinook salmon taken
by dip net in the Chitina Subdistrict as
currently allowed by Federal and State
regulations upriver in the Glennallen
Subdistrict. However, State regulations
allow retention of only one chinook salmon
taken by Dip net in the Chitina Subdistrict.

The State only allows subsistence
fishing in the Chitina Subdistrict during
periods set by field emergency orders.

These are within the framework of the Board
of Fisheries-sanctioned fishery management
plan.

At least in the first year, and
beyond, if necessary, it would be advisable
for the Federal Subsistence Fishery in the
Chitina Subdistrict to be opened on a
periodic basis by the in-season manager

1 consistent with the State fishing schedule.

2 The closed periods, especially
3 early in the run allow passage of fish for
4 spawning escapements in the uprivers. This
5 approach also provides for conservation of
6 Chitina River salmon stocks which are not
7 susceptible to harvest upriver in the
8 Glennallen Subdistrict or the Batzulnetas
9 Fishery.

10 A coordinated fishing schedule
11 would contribute to management efforts to
12 spread the harvest throughout the run for
13 conservation and upriver use and ease
14 potential enforcement problems. While
15 applying this precautionary approach, an
16 evaluation can be made of Federal user
17 effort and harvest in the Chitina
18 Subdistrict in order to better adapt
19 management for subsequent years taking into
20 account harvest opportunity, stock
21 conservation, and enforcement.

22 There are two additional
23 modifications which could be made that would
24 provide more consistency with State
25 regulations, thereby reducing potential for
26 conflict among gear operators and enhancing
27 enforcement capability, but these
28 modifications would also reduce subsistence
29 opportunity.

30 Those two additional
31 modifications are, first, not allow the use
32 of fishwheels in the Chitina Subdistrict;
33 and second, limit the take in the Chitina
34 Subdistrict to the harvest limits of the
35 State subsistence fishery with Federal users
36 being allowed to take the remainder of their
37 combined subdistrict harvest upriver in the
38 Glennallen Subdistrict, if they are so
39 qualified.

40 The superintendent of
41 Wrangell-St. Elias National Park and
42 Preserve, the Federal designated in-season
43 manager for the Upper Copper River salmon
44 fisheries on the Federal side, the scope of
45 the changes included in this proposal would
46 likely require the Parks Service to
47 administer issuance of Federal subsistence
48 fishing permits.

49 Presently the State is continuing
50 to issue permits for both State and Federal

1 fishers.

2 The proposal does not address the
3 issue of access to Ahtna Corporation lands.
4 Under the current State system, a permit fee
5 is collected and a portion is paid to Ahtna
6 Corporation for access to their lands.

7 The new proposed Federal permit
8 would not have any fee and would not address
9 the issue of access to Ahtna Corporation
10 lands.

11 Individuals or communities would
12 be responsible for making their own
13 arrangements with the Ahtna Corporation for
14 access as appropriate.

15 In conclusion, the analysis
16 recommends support with modification. And
17 the modifications would be to stipulate that
18 only one unit of gear may be operated at any
19 one time, and that if a household is issued
20 permits for both subdistricts, you must have
21 both permits in your possession for fishing
22 or transporting subsistence-caught fish.

23 Further, it is advised although
24 this isn't a regulatory action in the
25 analysis, it's advised that at least in the
26 first year and maybe beyond if necessary,
27 the Federal subsistence fishery in Chitina
28 Subdistrict be scheduled consistent with the
29 State fishing schedule.

30 Mr. Chairman, that summarizes my
31 overview.

32 MR. LOHSE: Any questions for
33 Larry?

34 MR. ELVSASS: Mr. Chairman --

35 MR. LOHSE: Fred?

36 MR. ELVSASS: Is there a reason
37 for staying with the first year to schedule
38 a season to coincide with the State season,
39 rather than ten days before or whether it
40 was a week or ten days before, State season,
41 you say, maybe in the first year would make
42 them ideal.

43 MR. BUKLIS: Yes, Mr. Chairman,
44 the analysis conclusion, the preliminary
45 conclusion, which is on page 116 would lay

1 out the regulatory language that the Board
would take action on.

2 That would establish a season
which is the same as the Glennallen
3 Subdistrict season, opening May 15th and
going through September 30th.

4 So, if this passed as proposed
and as analyzed, the Federal season
5 officially in the regulations book would be
the same as upriver in Glennallen, and that
6 would be two weeks earlier in the State
season.

7 What I'm saying in the analysis
discussion is that we would advise the
8 Federal manager in implementing that season
to actually have open periods that are the
9 same as the State periods.

10 So the Federal season would be
May 15 through September 30th, but the
fishery would open periodically on the same
11 schedule as the State. On the State side,
the season begins June 1st, but the fishing
12 schedule is key to the timing and abundance
of the salmon and the Board of Fish
13 Management Plan. So even the State fishing
season, which the State can speak to later,
14 is broader than the periodic openings. To
summarize my answer to you, the Federal
15 season would be May 15th through September
30th down in Chitina, but we are -- we are
16 recommending that at least at first, and
maybe longer, if necessary, the actual
17 openings be fishing periods keyed to the
State schedule as well, and there were a
18 series of reasons for that. Conservation
and passage of fish upriver, and concern
19 about enforcement as well.

20 So, there are reasons for having
that set of periodic openings.

21 MR. LOHSE: Fred?

22 MR. ELVSASS: I understand what
you're saying, and I really need to defer to
23 the users here, but it seems to me we just
heard testimony that the local people don't
24 go to the Chitina Subdistrict anymore
because there are 7 to 10,000 people coming
25 out of Anchorage there. If they were going
to fish the district, wouldn't it be better

1 that they fish a week earlier and give them
an opportunity to use their customary
2 fishing grounds and, you know, this -- this
amount of fish, I don't believe, would
3 detract from upriver migration, but I don't
know.

4 I guess I have to defer and ask
you fellows what your thoughts are on that.
5

MR. EWAN: You want me to
6 comment? I think you have a good point
about possibly in the future on giving a
7 little advance to the local people to get
the fish because of the impact of the
8 Anchorage people, Fairbanks people on that
particular area, that Subdistrict.

9 I don't know, I have been away
from these meetings for so long, I just kind
10 of -- what has been discussed already in the
past.

11 I know at this Wrangell-St. Elias
National Parks Subsistence Commission
12 already -- I wasn't at that meeting or
talked to anyone about it.

13 I really don't know what the
local people really feel about this.
14

MR. ELVSASS: One more comment on
15 this. An irony of this is if you go along
with the State personal use subsistence
16 fishery, and so forth, everything is fine,
but the only real opportunities for priority
17 is there's no fish. Wouldn't it be better
if the local people fished when the fish
18 were there early, get their limit, and if
they want to stay and fish and compete with
19 the 7 to 10,000 dipnetters there, well and
good, but on the other hand, that seems to
20 be a sore point in the area. I don't know.
I just throw it out for what it's worth.

21 The way I view it, I would think that the
people in the area, the zone, would want
22 time to fish in a realistic customary way
without this big horde of people coming in
23 on top of them.

24 MR. LOHSE: I have a couple of
comments on that, Fred. To me what I see
25 from what you're saying basically, is if it
mirrored the Glennallen District, these

1 people would have an opportunity to fish --
2 would have an -- these people would have an
3 opportunity to fish at the time instead --
4 when it was closed at the fisheries, not
5 prior to the State season, but the days that
6 it was closed.

7 I had a question on this Larry:
8 I was wondering, other than the fact that
9 the State and the staff proposed that the
10 manager may think of mirroring State
11 seasons, you know, in this Chitina
12 Subdistrict, when I look at this, this
13 proposal mirrors the eligible people, the
14 same people are eligible on this proposal.
15 The same people are eligible for the Chitina
16 Subdistrict as are eligible for the
17 Glennallen Subdistrict at this point the way
18 we have got it proposed right now, yeah,
19 from a Federal standpoint -- from a Federal
20 standpoint, the same people are eligible to
21 fish in both districts, right?

22 MR. BUKLIS: Mr. Chairman, that's
23 not correct. As I understand it, as
24 proposed and analyzed here, those who are
25 qualified for the Chitina Subdistrict would
26 be qualified upriver in Glennallen, but
27 those qualified in the Glennallen
28 Subdistrict would not all be qualified for
29 the downriver.

30 MR. LOHSE: You're right, there's
31 where the mirror doesn't match.

32 MR. BUKLIS: The Glennallen
33 includes the phrase all Prince William Sound
34 areas. That is one reason, if you've been
35 wondering why we keep carrying this language
36 through the proposed regulations of a
37 Glennallen Subdistrict permit, and a Chitina
38 Subdistrict permit. It doesn't become one
39 big district. They remain subdistricts
40 because there is a different C and T pool
41 for each subdistrict.

42 MR. LOHSE: That's exactly what I
43 was wondering, so you answered the question
44 very clearly.

45 So the only difference would be
if they didn't mirror the State's opening in

1 the Chitina Subdistrict, then what would
happen is if they mirrored the Glennallen
2 Subdistrict, sub -- Federally-qualified
subsistence users would be allowed to fish
3 during times when it was closed to State
subsistence users in the Chitina Subdistrict
4 and others -- if the State subsistence users
can fish on Monday and Wednesday, the
5 Glennallen fishermen -- the Federally
qualified subsistence users could fish
6 Sunday through Saturday?

7 MR. BUKLIS: That's correct,
Mr. Chairman. As I understand it, Federally
8 qualified fishers could fish beginning in
May on to September 30th continuously,
9 whereas the State has a plan that begins
June 1st, with openings that typically are
10 not June 1st. Later in the season -- they
can speak to it better than I -- later in
11 the season, it tends to have continuous
openings, at least at first, they're
12 conservative. I think there's good
rationale for the conservative aspect of the
13 management plan. It deals with passage for
escapement, upriver users down in the Chitina
14 Subdistrict. If we introduce fishwheels,
we're not certain of the level of effort and
15 the efficiency of gear as to whether that
would impact the Chitina River stocks which
16 would be coming off the district right
there.

17 MR. LOHSE: Because at this point
18 in time, we have no impact on Chitina River
stocks by fishwheels.

19 MR. BUKLIS: Not by the Federal
20 fishers and not by fishwheels on the State
side, that's correct.

21 MR. LOHSE: I can make a comment
22 on fishwheels. I know in 1968 there were
four fishwheels below Chitina. One in Healy
23 Creek, one on the bank opposite of Healy
Creek, one on O'Brien Creek, one on the bank
24 opposite O'Brien Creek. They were operated
by the Fish & Wildlife Service and the
25 Alaska Department of Fish & Game and they
were the only fishwheels below Chitina,

1 because at that point in time there was no
2 road down there and you had to go across the
3 trestles walking on beams and so nobody went
4 below O'Brien Creek at that point in time.
5 Nobody went down to O'Brien Creek at that
6 point in time. Later when the road got
7 opened, I know fishwheels moved down there.
8 I know that year there wasn't any.

9 So there has been no impact on
10 Chitina River fish by fishwheels up to this
11 point in time. Other than that, that was a
12 test fishery with all the fish released.

13 MR. BUKLIS: Mr. Chairman, that's
14 a question of me, I would defer to others
15 present, users and the anthropologist as to
16 historical more distant historical use of
17 fishwheels down there. I can't speak to it.

18 MR. LOHSE: That changes things.

19 MR. ELVSASS: Now with the
20 clarification, as I understand it, people in
21 the Chitina Subdistrict can fish in the
22 Glennallen Subdistrict; people in the
23 Glennallen Subdistrict can not go down to
24 Chitina.

25 MR. LOHSE: Some people, just
26 some, just the ones -- if you take a look at
27 the two lists, I didn't catch that before
28 either, included in the Glennallen
29 Subdistrict are all residents of Prince
30 William Sound --

31 MR. ELVSASS: That's right.

32 MR. LOHSE: And they can't fish
33 in the Chitina Subdistrict.

34 MR. LOHSE: Let's go on to Alaska
35 Department of Fish & Game --

36 MR. EWAN: Could I ask one -- you
37 may have discussed this in the past, since
38 the access was mentioned, how do you treat
39 the -- oh, the river banks and creek banks,
40 high water marks, that's what the State used
41 as your --

1 MR. BUKLIS: Is Tim here? Tim
Jennings?

2
3 MR. EWAN: Under the Federal
management? You're assuming the same areas;
is that right?

4
5 MR. JENNINGS: Mr. Chair, Tim
Jennings, Office of Subsistence Management.
As I understand it, the question is access
6 along the uplands to the river, is that the
question?

7
8 MR. LOHSE: No, I think the
question is property ownership on the river
below the high water mark.

9
10 MR. JENNINGS: Below the -- as I
understand the Federal jurisdiction, we
would include those waters that are within
11 the exterior boundaries or adjacent to the
exterior boundaries of Federal conservation
12 units, and that typically on the river
system would be an ordinary high water mark
13 or whatever terminology is appropriate for
the level of the river. Navigable waters,
14 reserved water rights under the Federal
program.

15
16 MR. LOHSE: Roy, does that answer
your question?

17 MR. EWAN: Yes, it does. I just
wondered if there was any difference in
18 management from the State, under that
particular area. The high water mark is
19 usually quite a ways in some areas.

20 MR. JENNINGS: I can't address
how the State views that in terms of their
21 jurisdiction.

22 MR. LOHSE: I think what you're
asking, Roy, is that the State treats all
23 waters below high water mark as public
property.

24
25 MR. EWAN: Yeah, everybody can go
wherever they want.

1 MR. LOHSE: Everybody can access
2 any stream as long as they stay below the
3 high water mark. That's the law, how does
4 the Federal treat that issue?

5 MR. JENNINGS: In terms of our
6 program, Federal subsistence program deals
7 with subsistence opportunity, hunting and
8 fishing, and typically the program doesn't
9 address access per se.

10 MR. EWAN: But you would give
11 access to -- I mean, qualified subsistence
12 user for that particular area, any
13 particular area, you would provide them with
14 access, right? Would you allow them to
15 access?

16 MR. JENNINGS: It's my
17 understanding -- I don't know if there's
18 anybody else here that could help me with
19 this, but the Federal program does not
20 guarantee the access if there's a trespass
21 situation. For instance across Ahtna land,
22 the Federal Board's jurisdiction deals with
23 the hunting and fishing regulations on
24 Federal public lands and waters.

25 MR. LOHSE: But not access to
26 those?

27 MR. EWAN: If you're allowing
28 subsistence fishing, you better allow them
29 access on those particular -- on those
30 particular rivers. Because you can get from
31 the river bank without going over this area
32 from the land to the river.

33 MR. JENNINGS: The Parks Service
34 and also the land managers in the
35 conservation units typically address the
36 access issues not the Federal board per se.
37 Devi, can you add to that?

38 MS. SHARP: I'll try. Devi
39 Sharp, Wrangell-St. Elias National Park and
40 Preserve. We do not condone any form of
41 trespassing. If it's Federal land and
42 public domain, that's fine, you can access
43 the river. If it is private land, as far as

1 we're concerned, that's trespassing. So,
2 even if you're trespassing to go to that
3 State high water mark, that's, in our mind,
4 that's not acceptable, because you have to
5 trespass --

6 MR. EWAN: I don't think that was
7 my question. My question is from that mark,
8 you're talking about to the river. There's
9 a bar, gravel, or something -- the high
10 water mark is here, the river is here
11 (indicating), the river's high water mark is
12 here. Here's Ahtna's land. Here's no man's
13 land, just a gravel bar or whatever.

14 MS. SHARP: My understanding --

15 MR. EWAN: If I'm a subsistence
16 fisherman, I can get access over this
17 particular area, right? That's what my
18 question is.

19 MS. SHARP: If you can get to
20 that --

21 MR. EWAN: My other question
22 earlier is the management of this particular
23 area the same as how the State handles it?
24 Probably not, because they allowed for
25 sports fishing and everybody to go in there.

26 MS. SHARP: We don't manage
27 that -- we'll add a sixth dimension for
28 that.

29 MR. LOHSE: Basically, Roy, what
30 you're asking is under Federal law, there's
31 a high water mark to the water accessible to
32 anybody, subsistence user or to anybody else
33 because it's not private land, it's State
34 land, and under State regulations, my land
35 doesn't stop at the water. My land stops
36 where the high water is on my bank. If you
37 can cross my land by walking between the
38 high water mark and the river, you can cross
39 my land, because it's not my land.

40 MS. SHARP: Or if you can find a
41 public easement or public right of way, you
42 can --

1 MR. LOHSE: Or if you come in a
2 boat --

3 MS. SHARP: Right. There's a lot
4 of different ways to get access to waters
5 that are bounded by public -- by private
6 lands, and you find whatever, the
7 right-of-way, community right-of-way, as you
8 have in our community at Copper Center, you
9 can find a right-of-way in the river,
anybody can use that. Another possibility
would be 17(b) or something like that, or
road, and then you can bring your fishwheel
down that access, put it in the water, boat
it up or down. It certainly is a confusing
issue.

10 MR. EWAN: I think you answered
11 my question, same thing --

12 MS. SHARP: Yeah, yeah.

13 MR. LOHSE: Any other questions
14 for Larry?

Hearing none, let's go on to the
Alaska Department of Fish & Game.

15 MR. SWANTON: Charlie Swanton,
16 Alaska Department of Fish & Game. Proposal
17 17 states comments, we're neutral. This
18 proposal seeks to liberalize regulations for
19 Federally-qualified fisheries in the Chitina
20 Subdistrict to match the regulations in the
21 Chitina Subdistrict and Glennallen
22 Subdistrict. This proposal combines the
23 Chitina Subdistrict and Glennallen
Subdistrict for Federally qualified
subsistence qualified users. Under this
proposal, Federally qualified subsistence
users have the gear, fishing season two to
three weeks earlier than the current State
season for the Chitina Subdistrict, and
harvest limits that are currently only
allowed in the Glennallen Subdistrict.

Approximately 400 Federally
qualified households annually participate in
the Glennallen Subdistrict subsistence
salmon fishery, based on the 1995, 1998
data. It's unclear what portion of these

1 households will fish in the Chitina
2 Subdistrict with fishwheels, although is
3 unlikely to cause much shift in harvest
4 effort from the Glennallen Subdistrict,
5 where local users already have established
6 sites. We would note, however, that the
7 greater efficiency of fishwheels might
8 increase harvest potential that's
9 non-selective in species harvested. The
10 proposed regulations do not contain
11 restrictive limits for chinook salmon within
12 the 500 salmon harvest limit. Currently,
13 there is a five chinook salmon limit with
14 dipnets in the Glennallen Subdistrict, and
15 no specified limit for subsistence rod and
16 reel harvest. The dipnet limit in the
17 Chitina Subdistrict is one per household.
18 As a result of this increased harvest
19 potential of early-run chinook salmon, the
20 department has conservation concerns for
21 Upper Copper River chinook and sockeye
22 salmon stocks if this proposal is adopted.

23 The increased harvest potential
24 of fishwheels in the Chitina Subdistrict may
25 result in the additional harvest of early
run sockeye salmon stocks, including
Batzulnetas stocks. These early run sockeye
salmon stocks would be susceptible to
harvest in the Chitina Subdistrict during
the early portion of the season.

This proposal raises the
potential for conflict between
Federally-qualified subsistence users
operating under one set of regulations and
State users operating under another. The
Federal Subsistence Board may want to
consider options to reduce such conflicts,
such as gear separation zones. This may
also create some enforcement concerns.

If the Federal Subsistence Board
adopts this proposal consideration should be
given to the impact the change would have on
current management practices and plans in
this fishery. ADF&G staff are available to
describe these changes.

Mr. Chairman?

MR. LOHSE: Any questions for
Charlie?

Do you see having to go back into

1 the Copper River management plan basically
2 because of the impact that's going to have
3 on different stocks that haven't been
4 impacted before and having to remodify the
5 Copper River Management Escapement Plan?

6 I know that it's more efficient
7 fishing out there than it is farther up
8 there.

9 MR. SWANTON: I guess I'd have to
10 temper the response that I gave to that
11 based on the number of people that actually
12 migrated down there with fishwheels and
13 actually fished between the 15th of May and
14 say, for example, dip net fishery opened the
15 earliest that it has since probably the mid
16 '90s this year because of June 4th. So
17 there is some concern there. The stock
18 structure and stock I.D. work we've done on
19 Copper River sockeye is not specific in its
20 temporal and spatial structure in terms of
21 how they move up the Copper River for us to
22 be able to identify specifically Tazlina or
23 Tenana Creek or specific drainages of
24 sockeye, it would be difficult with this
25 type of data that we have, we have done some
tag work on sockeye. They started to give
us some indication that has to do with
hatchery and nonhatchery stocks, the same
goes with chinooks. We've been spending a
lot of money over the course of years to
actually estimate drainage-wide escapement
of chinook Copper. Some of us were a little
bit concerned with upsetting the apple cart.
The other thing I would add is that I surely
wouldn't want to speak for any member of the
Board of Fisheries in regards to whether
they might or might not delve back into this
plan based on what transpired, but I -- I'm
sure they'd want to be briefed on what the
implications were.

MR. LOHSE: Any other questions
for Charlie?

Hearing none, let's go on to
other agency comments.

Do we have any other agencies
that want to comment on this?

Eric?

1 MR. VEACH: Mr. Chairman, Eric
2 Veach, Wrangell-St. Elias National Park. In
3 light of Larry's very thorough presentation
4 of this proposal, I have a few brief
5 comments that just kind of echo what he
6 stated. This is a recommendation that the
7 Federal manager which in the 2000, 2001
8 season has been the Wrangell-St. Elias
9 National Park that we opened the Federal
10 subsistence season in Chitina in concert
11 with the State subsistence season. We think
12 this is a good approach, recent states
13 opening and closing the season to protect
14 the river stocks. And too, to get fish into
15 the subsistence fisheries upstream, in both
16 fisheries and both of those are valid
17 reasons for a Federal manager to open and
18 close a season by special action. We'd like
19 to seek your view on that as well.

20 The second point I'd like to make
21 too, is just in regards to potential for
22 trespass on Ahtna land on the west side of
23 the Chitina Subdistrict. Currently, there
24 isn't any plan for there to be a charge for
25 the Federal permit or access fee tied to
26 that. If that's an option that's
27 considered, as Larry said, probably the
28 Parks Service will wind up administering the
29 permit. We felt that we had to collect an
30 access fee, turn this over to the Ahtna
31 Corporation. They have some real
32 reservations about our authority as a Park
33 Service to collect that access fee.

34 That's all I have, Mr. Chairman.

35 MR. LOHSE: Any other questions
36 for Eric?

37 I have one question, Eric, Ahtna
38 land is all on the west side of the Copper
39 River, right there, isn't it, once you get
40 below the Chitina River, or is there Ahtna
41 land on the east side also?

42 MR. VEACH: I would have to defer
43 that to Joe Hart. There is no Parks Service
44 land on the west side. My understanding
45 that's all Ahtna land.

46 MR. LOHSE: On the east side,
47 it's all Park Service land?

1 MR. VEACH: At least some part of
2 it is Parks Service land.

3 MR. LOHSE: From what we just
4 heard, access is if they take their
5 fishwheels downriver by boat -- people start
6 to use boats there. There is no access
7 problem with either the Parks Service or
8 with Ahtna land as long as they don't go
9 above the high water mark?

10 MR. VEACH: That is correct.

11 MR. LOHSE: So they could
12 actually access that east shore with
13 fishwheels and that's the shore that the
14 Chitina River fish come up on that side up
15 there.

16 MR. VEACH: I might just mention,
17 it would be -- in my estimation, it would be
18 very difficult to locate a fishwheel on
19 Parks Service land on the east side of the
20 river there. It would involve transporting
21 that downstream. It would be challenging --

22 MR. LOHSE: It wasn't difficult
23 at all. We did it. We did it with very big
24 fishwheels. We had big fishwheels. We had
25 no problem at all doing it.

And we did it back before there
was jet boats. We did it with 40-horse
kickers. So it's not a problem. It can be
done real easy.

Okay. Okay.

Advisory committee?

20 MR. EWAN: I have a comment --
21 comment about the comment you said a little
22 while ago. If people went downriver by boat
23 and bring their fishwheels and then crossed
24 the high water mark, I just want to comment
25 that that would be very difficult not to
cross that mark, going to the woods. It's
going to be a problem one way or another. I
used to get -- for some reason or another,
they're going to go up there.

MR. LOHSE: I can think of the

1 reason too.

2 It's going to be hard for people
3 not to trespass, but if a person really
4 wanted to --

5 MR. EWAN: Mr. Chairman, I didn't
6 want it to sound so simple.

7 MR. LOHSE: It's not simple.
8 Okay. Fish & Game Advisory
9 Committees. Do we have any that wish to
10 speak to this?

11 Okay. Summary of written public
12 comments. Do we have any written public
13 comments?

14 MS. WILKINSON: Again, the only
15 comment that we have is from CDFU and Sue
16 Aspelund will speak to that.

17 MR. LOHSE: Thank you, Ann.
18 Okay. Then we have Gloria
19 Stickwan and Sue Aspelund. And I don't
20 think I have anybody else on this. Let me
21 look. Wilson, did you wish to speak to this
22 one too?

23 MR. JUSTIN: Not at this time,
24 no.

25 MR. LOHSE: Okay, Gloria.

MS. STICKWAN: Gloria Stickwan,
Copper River Native Association, we
supported the communities that were listed
and to be able to have a separate permit for
both subdistricts in the Copper River
regarding a fishwheel, and a seasonal
harvest limit to be consistent with
Glennallen's Subdistrict.

We see this proposal as the
Glennallen District, Glennallen to be able
to fish at an earlier time, and -- because
it's hard to access fishwheel, to get to
your fishwheel in May. The roads are muddy
and it's just hard to get to your fishwheel,
to run a fishwheel that early for some
people. And this will give them an
opportunity to go down there and dip net.
We don't get a lot of people that move the
fishwheels down to the lower part, and keep

1 our fishwheel where it's at and use it, and
2 we get our fish at the season, that's why we
3 supported it. It's real hard -- he thought
4 there was going to be comments. He had a
5 concern about the impact of what this will
6 do to Chitina, and we have impact down
7 there. Unfortunately it's needed in the
8 Chitina Subdistrict area. There's an impact
9 right now, you know. And so he has a
10 concern about that. I thought he was going
11 to be here to give public comment, but he
12 left.

13 MR. LOHSE: Anybody have any
14 questions for Gloria?

15 Basically, what you can see
16 coming out of this is not so much that
17 people would move their fishwheels, but
18 there would be an additional opportunity to
19 start earlier and you'd be farther down the
20 river so you'd have access to fish earlier?

21 MS. STICKWAN: Yes.

22 MR. LOHSE: Roy?

23 MR. EWAN: I want to ask Gloria,
24 have you talked with National Parks Service
25 or the Federal Government about some kind of
an agreement to -- like the one the State
had for permitting that access?

MS. STICKWAN: We have worked
with Wrangell-St. Elias and limited to
permits for moose in the past, and I don't
know why they wouldn't do it for fisheries;
they've been taken over. We've been on
Mentasta. We had permits out for caribou.
We had some informal -- there's nothing
written down. We just distributed permits
for Ahtna people, and I'm sure it could be
done for fishing.

22 MR. LOHSE: Any other questions
23 for Gloria?

24 Thank you, Gloria.
25 Sue.

MS. ASPELUND: Sue Aspelund,
CDFU, our concerns with this proposal have

1 absolutely nothing to do with Federally
2 qualified subsistence users' uses in either
3 the Chitina or the Glennallen Subdistricts
4 or with their methods and means. We're
5 fully supportive of their historic use in
6 the Chitina Subdistrict. Rather, our
7 concerns have everything to do with how
8 enforcement plans to deal with discerning
9 the difference between the 400 or so
10 Federally qualified users from the
11 10,000-plus non-Federally qualified State
12 subsistence users. As you can easily see
13 from doing the math, a small number of
14 illegal State users who access a fishwheel
15 fishery in Chitina could have profound
16 impacts on the access issue, on current
17 allocation patterns and the conservation of
18 Copper River salmon. We would urge this
19 Council to request a discussion prior to
20 your deliberations on this proposal by
21 enforcement personnel as to their plan to
22 monitor and enforce differential regulations
23 in the Upper Copper River given
24 participation of this magnitude. We believe
25 that currently enforcement of existing regs
in Chitina has been extremely inadequate and
this would further exacerbate that problem.

Thank you.

MR. LOHSE: Any questions for
Sue?

Same problem we have all over the
State, Sue. You can have all the
regulations in the world, without
enforcement, it doesn't do anything.

So, you're recommending that we
would have enforcement tell us what they can
do? They can't even tell themselves what
they're going to do.

(Laughter.)

MR. LOHSE: And I don't mean
that's bad to them, but it's the same
funding problem that they run into every
time they turn around, I'm sure.

I don't have anybody else down
for public testimony. What time are we?

MR. ELVSASS: It's five to 4:00.

1 MR. LOHSE: We need a break at
2 4:00. We're done with public testimony. Do
3 we want to put a motion on the table before
4 we have public testimony or after?

4 MR. ELVSASS: Let's do it now.
5 We have four minutes.

5 MR. LOHSE: Let's put a motion on
6 the table.

7 MR. ELVSASS: I would move the
8 recommendation.

8 MR. LOHSE: You would move
9 Proposal 17(b) as recommended by the staff?

10 MR. ELVSASS: Right.

11 MR. LOHSE: Okay.

12 MS. SWAN: Second.

13 MR. LOHSE: 17(d) as recommended
14 by staff, okay.

14 And it's been seconded.
15 Can't call a question on it yet.

15 MR. ELVSASS: I just have a
16 question that's bothering me. I can
17 understand the customary and tradition. I
18 can understand the fishing. I like the
19 concept of the people in the zone having an
20 opportunity to fish aerially, but as I hear
21 the State is running the dipnet fishery or
22 subsistence fishery on an open/close,
23 open/close basis to let fish up the river,
24 that all sounds good; but is the upper end
25 of the river hurting that bad for fish that
a subsistence fishery by its own people
would stop the fish -- I mean, there's got
to be a target goal for spawning escapement
and so forth, and would this type of fishery
drastically affect it? I know the lady from
the fisheries union mentioned about the
enforcement problem, and that is a real
problem all over the State, but -- so, what
I'm getting at trying to clear my mind is,
okay, if the State has the Subsistence

1 Fishery Board four days or five days in the
2 week, and the people in the zone can fish
3 the -- say the weekend or mid-week,
4 whatever, is that fishery at that point
5 going to drastically affect the escapement?
6 You see what I'm saying? Because we have to
7 have closures to get fish up the river, like
8 every system does. And I wouldn't want to
9 see the river depleted or in jeopardy, and
10 right now it's the -- the fish coming up to
11 Mentasta area now.

12 MR. JOHN: (Nods head.)

13 MR. ELVSASS: You do get that.

14 MR. JOHN: We can't fish there.

15 MR. ELVSASS: You're not getting
16 enough.

17 MR. EWAN: Mr. Chairman, could
18 I --

19 MR. LOHSE: Yes.

20 MR. EWAN: After Fred. My
21 observation, I have fishwheels on the Copper
22 River every year. My observation lately is
23 there's been fewer fish. I don't know what
24 the cause is, but we haven't been getting
25 the fish, two years past. Down to, I would
say about half the last two years, maybe
less. There's more fishwheels, more
dipnetters, more everything.

MR. JOHN: You see right now,
with 240,000 subsistence fishermen that the
State has in the subdistrict, I think they
should have closure and like that, but with
our -- which we have probably, at the most
400, and I believe it's less than that. I
don't think we should have closure, because
I don't think it would affect that much fish
coming up the river.

MR. ELVSASS: That's right.

MR. JOHN: That's my opinion.

1 MR. LOHSE: My only comment would
2 be that knowing how some of the groups
3 involved would react. There are groups that
4 would say, well, if the subsistence
5 fishermen can do it, we want the right to do
6 it too. That's the same way we've put a
7 proposal in for the fishwheels down there.

8 Politics being politics, I'm not
9 sure that they wouldn't get away with it,
10 but I kind of go along with Fred. I don't
11 think when they can already fish above the
12 bridge, I don't think the subsistence users
13 are going to impact it that much by going
14 below the bridge. They will access fish
15 that they haven't accessed before, but at
16 that time of the year, it's pretty hard to
17 get out.

18 Now, what's going to happen, what
19 I can see, is when the regular season
20 starts, they would have the opportunity to
21 fish the Chitina Subdistrict during the time
22 that it's closed to the regular fishermen,
23 and so they might use -- I know individuals
24 that would prefer to go dip in the
25 subsistence Chitina Subdistrict, instead of
26 the Glennallen Subdistrict. They don't want
27 to go down with the personal use fishers.
28 If they want to go down when it's closed,
29 it's nice for dipping. Does it change the
30 totals of fish? I can't answer that. I
31 don't think it's going to change it too
32 much.

33 MR. ELVSASS: If you had 400
34 people in the zone and the take was 200
35 fish, that's what they're talking about,
36 you're only talking about 8,000 fish. In a
37 system like the Copper River, 8,000 fish
38 wipes out the run, you're in bad chip.

39 MR. LOHSE: 400 times 200 is
40 80,000.

41 MR. ELVSASS: Oh, okay. You're
42 right.

43 MR. LOHSE: But those fish are
44 caught in the Chitina Subdistrict anyhow,
45 most of them. Let's take our break that we
46 were talking about taking.

1 MR. BUKLIS: Mr. Chairman, just a
2 point of clarification. Your discussion,
3 when we talked about the large personal use
fishery, it's actually subsistence.

4 MR. LOHSE: I know.

5 MR. BUKLIS: Thank you.

6 (Break.)

7 MR. LOHSE: For the information
8 of everybody out there, we're going to try
9 to finish 17(b) tonight, but we're not going
10 to start any other proposals. And if we
11 haven't finished 17(b) by 5:00 o'clock,
12 we're going to close everything anyhow,
13 because we have to have everything out of
here by 5:30. If you don't have any
14 interest in 17(b), you can leave. If you
15 have interest in 17(b), you've got to stay
16 until we're done, and you can either hope or
17 pray that we get done fast, or you can sit
18 until 5:00 o'clock.

19 So, where's Clare? Up making
20 tea.

21 We have a motion on the table.
22 We're ready for Regional Council
23 deliberation.

24 At this point in time, I think we
25 should probably wait for Clare.

Here she comes, good.

26 So, we'll adjourn when we finish
27 this proposal or 5:00 o'clock, whichever
28 comes first. It's 4:15.

29 MR. EWAN: Mr. Chairman?

30 MR. LOHSE: Yes, Roy.

31 MR. EWAN: A question to someone,
32 probably Fish & Game, about their concern
33 about I guess, king salmon if this proposal
34 passes, allowing the Glennallen Subdistrict
35 to fish in the Chitina Subdistrict. My
concern is -- I'd like to know how the fish
are doing. Is there a stock salmon that
we're talking about? Are these natural
salmon? I don't know. I know that they do

1 sockeye hatcheries up above there someplace.

2 MR. SWANTON: I don't understand
3 the question.

4 MR. EWAN: I want to know why
5 you're concerned -- are you at a certain
6 level with king salmon stock, population?

7 MR. SWANTON: We collect in the
8 State as well as the Board of Fisheries went
9 through a fairly laborious process two years
10 ago because of the salmon in the Copper
11 River. Prior to that time, aerial surveys
12 which aren't an exact count of the area
13 spawner, chinook, was the mode of assessing
14 the runs, assessing escapements at that
15 time. The first year was 1999, started a
16 market capture project that allowed us to
17 estimate what the escapements were for the
18 entire Copper River Drainage, upstream
19 essentially of the Chitina District.

20 There was some concern voiced at
21 that time that the escapement seemed to be
22 somewhat low. At least in 1999 relative to
23 the size of the drainage and the various
24 harvests that were occurring from the
25 commercial fishery, from the Chitina
26 Subdistrict, from the Glennallen, as well as
27 the sport fish into some of the tributaries.
28 I would say that over the course of the last
29 few years, what we believed to be some -- a
30 fairly large range around the escapement for
31 chinook escapements. Right now the average
32 is 28,000, 55,000. The last two years since
33 that I believe that we've been somewhere
34 between 28 and 32,000, give or take several
35 thousand fish. We've been at the lower end
36 of the goal. I don't think we have any
37 particular concern for any one stock. More
38 than any -- I mean, these chinook salmon
39 stocks have been considered to be fully
40 utilized by all of the existing harvesters,
41 I believe, since 1992. And any upset of the
42 current balance that we see could have, you
43 know, I guess a balloon type of an effect.
44 You poke it here and it bulges out of here
45 type of thing. We don't know. We'd be
46 remiss in our duties to not be cautious in
47 regards to a change such as this, but would

1 we be alarmed by something like this
2 occurring? It all is a numbers game, how
3 many people want to go down there, how many
4 people are going to use fishwheels in the
5 Chitina Subdistrict between the 15th of May
6 and the 1st of June which might be when the
7 early run of the chinook system, such as the
8 early run of the Chitina and upriver
9 passing -- it would be a higher level than
10 would normally occur given the current
11 situation in the Chitina. I would say
12 probably the same exists for sockeye,
13 although our current method of assessing the
14 sockeye, would be the sonar, down near Miles
15 Lake, and subsequent to that, distribution
16 is -- all of the spawning tributaries Upper
17 Copper River Drainage is done by aerial
18 survey. I don't think we would be --

19 MR. LOHSE: Thank you, Charlie.

20 Anybody else have any comments or
21 questions or discussions or recommendations
22 or changes, or anything you need amended or
23 anything like that?

24 I share Sue's concern about
25 enforcement, but I don't know if this is
going to make enforcement any worse than it
currently is because I don't have that much
confidence in the current enforcement on the
State system anyhow. So, it does complicate
things a little, but I think one of the
things that we have in here is that the
permit has to be with the permit holder,
that the permit -- in other words, you have
to have the permit.

Larry?

20 MR. BUKLIS: Mr. Chairman, Larry
21 Buklis, Office of Subsistence Management.
22 Yes, currently under the general fishery
23 regulations on the Federal side across the
24 State, the permit needs to be in possession
25 and available to present as requested by
enforcement authorities, but what this
modification would do is that if you have a
Chitina Subdistrict permit and a Glennallen
Subdistrict permit, you must have both in
your possession while you're fishing in
either one. So someone can see the totals
between the two subdistricts because the

1 regulations would not change the total
2 harvest limit and so someone would need to
3 be able to see how your effort in two
4 subdistricts is totaling.

5 MR. LOHSE: That can't be -- you
6 couldn't make that on the same card, just
7 have both districts on the same card?

8 MR. BUKLIS: Mr. Chairman, I
9 think the intent would be to have the
10 permits issued separately, so there's no
11 confusion to have authority between one
12 fishery and another, because of the
13 different C and T.

14 MR. LOHSE: Because of the
15 different C and T.

16 Basically, the enforcement agent
17 can ask to see -- is the State permit
18 required to be in possession?

19 It is.

20 An enforcement can ask someone
21 with 40 fish, they can ask to see their
22 permit and find out whether they were State
23 subsistence fishermen or Federal subsistence
24 fishermen, right?

25 MR. BUKLIS: Yes, Mr. Chairman.
Mr. Chairman, I'd like to file
that the regulations language proposed in
the preliminary conclusion by staff would
have the season as proposed by the public,
by the Commission. It was in the analysis
where I advised that the manager open and
close periodically matched to the State
schedule. That's not a regulatory language
feature. So, if you act on the proposed
regulations as advanced by staff, it would
contain the full season, and I don't know
the protocol for how you would speak to the
advisement to the in-season manager with
your own advisement, if you understand what
I mean. That part of the analysis isn't
found in the regulatory language. It's a
feature of in-season management.

MR. LOHSE: If we pass this
proposal as written, and maybe the in-season
manager can answer that -- Eric, are you the

1 in-season manager? You're just the adviser
to the in-season manager.

2 If you pass the proposal as
written, does the in-season manager have the
3 authority to put in place a season that
corresponds with the State openings and
4 closings if there is no emergency?

5 MR. VEACH: Mr. Chairman, I would
answer that as a, "yes," and I guess the
6 phrase there is no emergency. I think I
should clarify that just a little bit. At
7 this point I don't think that we really -- I
think the State would agree with us -- that
8 we really have the knowledge how the change
will affect the upper fisheries stocks, as
9 Larry suggested, at least for the first
years, first couple of years, collect data,
10 we can take a conservative approach and
assume there is a need to basically open and
11 close the fishery in concert with the State
to get -- to both provide fish for upstream,
12 subsistence fisheries and for escapement
means.

13
14 MR. LOHSE: And can that be done
under this regulations the way it's written
or -- to me, if this is the regulations and
15 this is the regulations in place, at least
from a State standpoint, I know the State
16 cannot -- you know, what it says on the
commercial fishery down at the mouth of the
17 Copper, be opened and closed by emergency
order, and that's not part of this one right
18 here. So there is no authority in this one
here, or it's not an emergency order,
19 it's -- whatever you call it. This one
here, there is no authority put in here for
20 the Federal manager to do anything other
than open it on May 15th and close it on
21 September 30th. And, therefore, there would
have to be some kind of justification for
22 him to say, oh, but for the first year we're
going to mirror the State system. Because
23 he can't do it under this regulation. The
regulation doesn't say that.

24
25 MR. VEACH: In the past, 2000 and
2001, the Federal Board has the authority --
it's delegated to the park superintendent,

1 has been -- it will have included the
2 ability to open and close essentially any
3 season in the freshwaters of the main stem
4 of the Copper River in response to your
5 conservation concerns or shortage of fish
6 among Federally qualified subsistence users.
7 And in my opinion, what we're proposing here
8 to match the season in concert with the
9 State would meet actually both those
10 criteria. By doing that we would be sure
11 there was fish upstream for the Glennallen
12 and the Batzulnetas Fishery, and we would
13 also be avoiding potential conservation
14 concerns tied to the potential overharvest
15 of Copper River stocks.

9 MR. LOHSE: But it doesn't have
10 to be done that way?

11 MR. VEACH: No, that is correct.

12 MR. LOHSE: Any other questions
13 for Eric?

14 I'll ask you one more question.
15 Since this proposal is in here to increase
16 opportunity for subsistence users, one of
17 the ways to increase opportunity for
18 subsistence users, basically, is to allow
19 them to fish when other users aren't
20 fishing.

21 So, would it be necessary to do
22 it -- I mean, would it be necessary to do it
23 in concert or could it be just equal time at
24 different times? I mean, that's what I'm
25 getting at -- what I'm getting at is --
what -- if you have the authority to do it
in concert underneath this proposal. You
have the authority to do it any way that
you -- any way that you decide to do it
basically, is what it boils down to.

21 MR. VEACH: I wouldn't go so far
22 as that anyway. I understand your point. I
23 guess the other thing we need to point out
24 here; as mentioned earlier, by doing this in
25 concert with the State, it drastically
reduces our enforcement concerns, by being
better able to enforce the fishery, we can
protect it better. Like Sue mentioned
earlier, enforcement is going to be tough.

1 If we have non- Federal qualified users
masking as Federally qualified users, when
2 they're fishing only the season that's open
for Federally qualified users, if there's a
3 large number of people doing that, it's
going to be difficult for us to enforce that
4 season, which will enforce a conservation
return, and a team of Federally qualified
5 users fishing upstream.

6 MR. LOHSE: It lessens the
enforcement problems but it increases the
7 conflict?

8 MR. VEACH: That's correct,
although I don't -- I think -- we can do
9 this for a year and see how it works, we may
not be looking for a tremendous number going
10 downstream, if it winds up only being 30
households, that's not a lot of increased
11 conflict. This is sort of our
recommendations in how we would like to
12 attempt it for a year and see how it works.

13 MR. LOHSE: Would it be
advantageous if we put that in the proposal?
14

15 MR. VEACH: I think it would be
great.

16 MR. LOHSE: So we can add an
amendment to the proposal to suggest
17 something like that, if we so desire?

Thank you, Eric.

18 Okay. This is your opportunity,
gentlemen, to move forward, do something,
19 discuss, to recommend so that we can....

How do you see it? What do you
20 think of the idea for the first year or two
years if it takes that long to see how
21 things go having it at the same time to see
what kind of impact?

22 Fred?

23 MR. ELVSASS: First of all, you
know, that sounds wonderful except -- but
24 how are you going to see if there's an
impact? You know, let's just do it and see
25 if there's an impact. I think -- you know,
we're talking about this 80,000 fish

1 potential caught beyond what's taken right
2 now. But if I know fishermen, the people in
3 the zone, the 400 people are going to be
4 fishing during the regular times anyway. So
5 they're part of this overall catch that's
6 going on. It's going to be a very limited
7 amount of fish taken in these times where
8 it's not within the State guidelines.

9 I think if we're going to do
10 something, we need to do it quickly, because
11 there's no way to gauge impact if you don't
12 do something different. If that's
13 overexcessive, then we need to look at it
14 again.

15 MR. LOHSE: Your recommendation
16 is to pass this as recommended?

17 MR. ELVSASS: Yes.

18 MR. LOHSE: Fred, you concur on
19 that?

20 MR. JOHN: Yes.

21 MR. LOHSE: Roy, do you have
22 comments on that?

23 MR. EWAN: Yes, I have a concern
24 about the salmon that I mentioned earlier,
25 what the impact of this proposal would have
on king salmon getting upriver, because I'm
upriver. I can't picture in my mind exactly
what's going to happen here. That puzzles
me. There are going to be a lot of
fishermen -- I don't know. I have kind of
doubts about the unknown. I'd be very
reluctant, but I'll go along with the
majority. I think that we should not deny
the opportunity for real subsistence needs,
give the opportunity if it's needed that
they can better get their salmon by going to
Chitina Subdistrict from the Glennallen
Subdistrict. And get their subsistence
taken care of, that way -- I have no
problems with that; I'm just concerned that
other subsistence users may be impacted
upriver.

MR. LOHSE: I kind of like what

1 Gloria was talking about earlier, and I
2 think that she's probably right. I don't
3 think a lot of people will move their
4 fishwheels down there, but it would give
5 them an opportunity to dip down there
6 sooner, and maybe what we should do is for
7 the time being just not limit it to no
8 fishwheels down below Chitina, and that
9 would also kind of impact the State so they
10 may not allow dip net -- I mean fishwheels
11 down below the Chitina, and then we'd be
12 able to see what kind of an impact, how many
13 people will actually make use of it, and
14 then we wouldn't have to close it to time
15 periods or anything like that. We can just
16 open it May 15th, September 30th, but allow
17 dip nets and no fishwheels below Chitina for
18 the time being. We can always put a
19 proposal in later to allow them. That would
20 answer your concerns about the king salmon.
21 It would answer their concerns about
22 overharvest. It would -- you know, that
23 might be one way to approach it if the board
24 so -- if the Council so desires.

15 Clare, have you got anything to
16 suggest to work on this?

17 MS. SWAN: No. Not -- you know,
18 just in -- I concur with what everyone is
19 saying because -- I mean, there's all these
20 sides to it, but it's true, how are you
21 going to know unless you do it? How are you
22 going to know unless you want to have
23 another study?

24 MR. LOHSE: Well, if there are
25 no --

26 MR. ELVSASS: Of the fishwheels
27 on the river, are most of them people within
28 the zone or are they mostly people -- mostly
29 within the zone?

30 MR. LOHSE: Fishwheels
31 currently -- well, I'll have to ask Charlie
32 that. The fishwheel that would be allowed
33 in this zone would have to be from people
34 who live in the zone.

35 MR. ELVSASS: But right now?

1 MR. LOHSE: But right now, I
2 think that probably about half of the
3 fishwheels come from outside the area; is
that right?

4 MR. SWANTON: I would probably
5 wager a guess off the top of my head, that's
probably correct, maybe more than that.

6 MR. LOHSE: I see Gloria waving
7 her hands back there. Maybe she can give us
some insight on that.
8 Yes, Gloria?

9 MS. STICKWAN: I think it was
mentioned earlier just because of the -- the
Chitina ridge, there would be a lot of
10 fishwheels down because of -- because of the
private lands Ahtna owns the land below
11 Chitina Bridge, most of it, and because of
the terrain of the land, the river banks,
12 there wouldn't be very many fishwheels down
there, and there wouldn't be the impact upon
13 the chinook or the salmon, so, on the other
hand, to have fishwheels down in that area,
14 it was traditional and customary, there were
fishwheels down there before, you know, by
15 saying, if you're going to do away with
fishwheels, you're taking away what people
16 have done traditionally. There was
fishwheels down in that area. There won't
17 be an impact upon the chinook below the
Chitina Bridge just because of the area.
18 That's my only comment.

19 MR. LOHSE: The question that was
asked before, Gloria, maybe you can have an
20 understanding of that, out of the fishwheels
that currently do exist, about -- about --
21 do you think half of them belong to people
who live in the valley and half of them
22 belong to people outside --

23 MS. STICKWAN: No, I would say
most of the fishwheels are -- especially in
24 the Chitina area are Anchorage fisheries.
They are people that use local people's
25 fishwheels. They do that when they're able
to live in the Chitina area, probably in the

1 Copper River area. They use local people's
2 fishwheels, not many subsistence users
3 compared to urban users -- there are more
4 urban fishwheel users than there are local
5 people.

6 MR. LOHSE: Larry?

7 MR. BUKLIS: Mr. Chairman, in the
8 staff analysis on page 112, there's some
9 statistics on those questions. It's not a
10 table. It's in the text, page 112.

11 MR. LOHSE: 112, local fishwheel
12 users.

13 MR. BUKLIS: Page 112, it's not a
14 table; it's in the text.

15 The first full paragraph at the
16 top of that page, the latter part of the
17 paragraph says: The number of fishwheel
18 permits issued to Basin residents ranged
19 from 302 to 377 per year. This is for the
20 decade of the 1990s. So Basin residents up
21 in the Glennallen Subdistrict where
22 fishwheels are allowed, 302 to 377 for Basin
23 residents, average 347, I'll stick with the
24 averages.

25 Average 347 for Basin residents
and dipnet permits averaged 58. So, as we
said they're predominantly using fishwheels.

For the non-Basin residents, the
average was 268 fishwheels and 175 dip nets.

So, there's more Basin residents
using fishwheels than there are non-Basin
residents, and within each group, Fishwheels
are more significant gear of choice amongst
Basin residents than within the nonresidents
of the area -- of the Basin.

MR. ELVSASS: Great, thanks.

Okay. Now, as I understand it,
under this proposal, they can fish both
places. In your case you have a fishwheel
upriver.

MR. EWAN: Quite a ways.

MR. ELVSASS: On the river. But
if you couldn't put a fishwheel in the

1 Chitina District, and you wanted early fish,
2 would it be practical for you to go down
there and dip net so you could do both?

3 MR. EWAN: I wouldn't want to do
4 that, yeah, probably.

5 MR. ELVSASS: You wouldn't want
6 to take the wheel all the way down there,
wow?

7 MR. EWAN: No.

8 MR. ELVSASS: So the likelihood,
9 like Gloria said, is very small that people
will do this, although some will, certainly.

10 I have to kind of like your idea
of not having the fishwheels in the Chitina
11 area and just make it a dip net, early
season, don't worry about following the
12 State time frame, just go for it and see if
it works, so people in the zone have the
13 opportunity to get fish without the hassle
of 10,000 people running over them.

14 MR. EWAN: Mr. Chairman, that was
one of the reasons I was -- I was thinking
15 about the fishwheel earlier, I can't read
their minds. I don't know what they'd like
16 to see happen.

17 MR. LOHSE: It would be one way
to assess how much use the area would get
18 without taking the whole step and having the
chance to impact it that way.

19 Or we can pass it as it is, and
then -- then I have a feeling that what will
probably happen -- to me, if I was -- I'm
20 thinking of my neighbors. My neighbors
would prefer to go dip net at the time when
21 the other 7,000 people aren't there rather
than to have the opportunity to go put a
22 fishwheel in at the same time the other
people are there. That's kind of what I was
23 thinking.

24 I will leave that up to the rest
of the Council.

25 MR. EWAN: Mr. Chairman, I have a
question. I don't know who to address it

1 to, but Gloria mentioned something about the
2 local people and urban people. Were we
3 talking about below the bridge or above the
4 bridge? The number of the fishwheel.

5 MR. LOHSE: That was above the
6 bridge. Basically, it says the local people
7 have an average of 347 fishwheel permits
8 above the bridge, and the urban people have
9 an average of 268 permits above the bridge.
10 Because that's the only area that has
11 allowed fishwheels up until now.

12 So, the urban people would not be
13 able to bring theirs down below the bridge.

14 MR. EWAN: This wouldn't have any
15 impact, right, below the bridge? The
16 public --

17 MR. LOHSE: The public, well, you
18 were down there. Public was allowed to have
19 fishwheels down there too, wasn't it? There
20 was only one season?

21 MR. JOHN: I didn't hardly see
22 anything down there.

23 MR. LOHSE: That was in '68, I
24 didn't see any.

25 MR. JOHN: Mr. Chairman, my
26 thinking is I'd go for the proposal as is
27 because as far as -- I'm kind of like
28 Gloria, I don't think it's going to make
29 that much impact on that. We got to find
30 out -- we could change our mind at a later
31 date.

32 MR. LOHSE: That's the other
33 thing too. We can go ahead and change it.

34 Well, if there's no further -- no
35 further discussion --

36 MR. JOHN: Did we bring this up
37 to table already?

38 MR. LOHSE: It's on the table.
39 We have to add an amendment to it or call
40 the question on it, one or the other, if
41 there's no further discussion.

1 Call the question?

2 MR. JOHN: I call the question.

3 MR. LOHSE: Question has been
4 called on Proposal 17(b) as proposed by the
staff as modified by the staff.

5 And do I need to read that out
loud?

6 MS. SWAN: Yes.

7 MR. LOHSE: I need to read that
out loud. Okay.

8 Boy, you guys, without having my
9 glasses along today, this is not the day.

10 Thank you, Fred. I got to find
it.

11 Where was I?

12 MR. BUKLIS: Page 116,
Mr. Chairman.

13 MR. LOHSE: 116?

14 MR. BUKLIS: That's correct.

15 MR. LOHSE: One page away.

16 Modified proposal should read:

17 You may take salmon in the Upper Copper
River District only as follows: In the
Glennallen and Chitina Subdistricts from May
18 15th to September 30th, in the Glennallen
and Chitina Subdistricts, you may take
salmon only by fishwheels, rod and reel, and
19 dip nets. Only one subsistence fishing
permit per subdistrict will be issued to
each household per year. If a household has
20 been issued permits for both subdistricts in
the same year, both permits must be in your
21 possession and readily available for
inspection while fishing or transporting
22 subsistence-taken fish in either
subdistrict. The following apply to Upper
23 Copper River District subsistence salmon
fishing permits: Multiple types of gear may
24 be specified on a permit, although only one
unit of gear may be operated at any one
25 time. The total annual possession limit for
salmon fishing permits in combination for

1 the Glennallen Subdistrict and Chitina
Subdistrict is as follows: For households
2 with one person, 30 salmon, of which no more
than 5 may be chinook salmon by dip net; for
3 a household of two persons, 60 salmon, of
which no more than five may be chinook
4 salmon if taken by dip net; plus ten salmon
for each additional person in a household
5 over two persons, except that the
household's limit for chinook salmon taken
6 by dip net does not increase.

C, upon request, permits for
7 additional salmon will be issued for no more
than a total of 200 salmon for a permit
8 issued to a household of one person, of
which no more than five chinook salmon if
9 taken by dip net; or no more than a total of
500 salmon for a permit issued to a
10 household of two or more persons, of which
no more than five may be chinook salmon if
11 taken by dip net.

Question has been called. All in
12 favor, signify by saying "aye."

13 COUNCIL MEMBERS: Aye.

14 MR. LOHSE: All opposed, signify
by saying "nay."

15 Motion carries.

And I know there's some
16 reservations on that. I know that Roy's got
some reservations. I've got some
17 reservations, but I guess we'll give it a
try.

18 With that, we are going to recess
until 8:30 tomorrow morning.

19 You have to take your stuff. You
can't leave your stuff laying here. You
20 might as well stick your name tag in your
book. That way you can be responsible. I'm
21 going to give all these green papers to Ann.

22 (Southcentral Regional Advisory Council
adjourned at 4:50 p.m.)

23

24

25

1 I, Sandra M. Mierop, Certified
2 Realtime Reporter, do hereby certify that
3 the above and foregoing contains a true and
4 correct transcription of the Southcentral
5 Federal Subsistence Regional Advisory
6 Council meeting reported by me on the 1st
7 day of October, 2001.

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Sandra M. Mierop, CRR, RPR, CSR

